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ACTS

OF THE

GENERAL ASSEMBLY.

OF THE

COMMONWEALTH OF KENTUCKY

PASSED AT THE

**ADJOURNED SESSION (JANUARY, 1871) OF THE GENERAL
ASSEMBLY, WHICH WAS BEGUN AND HELD IN THE
CITY OF FRANKFORT ON MONDAY, THE
SIXTH DAY OF DECEMBER, 1869.**

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LOCAL AND PRIVATE ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE ADJOURNED SESSION OF THE
GENERAL ASSEMBLY, WHICH WAS BEGUN
AND HELD IN THE CITY OF FRANK-
FORT ON MONDAY, THE SIXTH
DAY OF DECEMBER, 1869.

P. H. LESLIE, *Governor.*

G. A. C. HOLT, *Lieut. Governor and Speaker of the Senate.*

JOHN T. BUNCH, *Speaker of the House of Reps.*

S. B. CHURCHILL, *Secretary of State.*

JOHN RODMAN, *Attorney General.*

CHAPTER 1506.

AN ACT to amend the Charter of the Warren Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1871.

§ 1. That section three of the charter of the Warren Deposit Bank be, and the same is, so amended as that W. S. Vanmeter, E. B. Seeley, S. W. Coombs, Wm. Brown, John V. Sprowle, and C. G. Smallhouse, shall be added to the list of commissioners named in said section, with the same rights as are prescribed therein; and any number of said commissioners may act as authorized in said charter.

§ 2. Instead of the payment of stock being made as provided in said charter, it shall be as follows: Five dollars on each share shall be paid when as much as twenty-five thousand dollars shall have been subscribed, and twenty dollars on each share within ten days after the

1871. election of the first board of directors, and the residue within forty days after said election: *Provided, however,* That after twenty-five thousand dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue of the subscription.

§ 3. It is further enacted, that so much of said charter as provides for the forfeiture of stock paid in, be, and is so amended, as that no stock paid in shall be forfeited; but in case of failure or refusal to pay, said payment may be coerced by action at law brought in the name of the corporation; and the board of directors may, in their discretion, instead of coercing payment by resolution entered on their records, forfeit any unpaid stock, and recall and cancel the subscription therefor; and in such case stock shall only be held or owned by subscribers only in proportion to and in the amount actually paid in.

§ 4. Only so much of said charter as conflicts with this amendment is hereby repealed.

§ 5. This act shall take effect from its passage.

JOHN T. BUNCH,

Speaker of the House of Representatives.

G. A. C. HOLT,

Speaker of the Senate.

Approved March 13, 1871.

P. H. LESLIE,

Governor of Kentucky.

By the Governor:

S. B. CHURCHILL, *Secretary of State.*

CHAPTER 1508.

AN ACT to amend an act, entitled "An act to amend the Charter of the Town of Danville," approved February 17, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the town of Danville," approved February 17th, 1871, be, and the same is hereby, so amended as to strike out, in section one of said act, the following words, viz: "three years," and insert in lieu thereof "twelve months."

§ 2. That the third section of said act be, and the same is hereby, repealed; and all the laws repealed by said third section be, and they are hereby, re-enacted and declared in full force.

§ 3. This act shall take effect from its passage.

Approved March 13, 1871.

LAWS OF KENTUCKY.

3

CHAPTER 1510.

1871.

AN ACT to reduce into one, amend, and digest the acts and amendatory acts incorporating the City of Paris.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the county of Bourbon as is embraced within the present limits of the city of Paris as hereinafter named, and the persons residing within said boundaries, are hereby created a body-politic and corporate, by the name and style of the City of Paris; and by that name may have perpetual succession, sue and be sued in all courts at law or in equity; may contract and be contracted with; may purchase and hold such lands and tenements and personal property as may be necessary for the use of said corporation, and may sell and convey the same.

Corporate powers conferred.

May purchase property.

§ 2. The mayor and council shall have power to erect all buildings which they may deem necessary; and when the public good shall require it, to erect a city prison, and regulate the management and police thereof; and the marshal shall be the keeper thereof, and have the same authority and subject to the same liability as such, that jailers have and are subject to as the keepers of county jails: *Provided*, That until such prison shall be ready for the reception of prisoners, the said city shall be allowed to use the jail of Bourbon county for the confinement of such persons as may be convicted before the mayor, and who shall be liable to imprisonment under the laws of this State, or ordinances of said city; and all persons so imprisoned shall be under the charge of the jailer of said county of Bourbon, who shall receive and discharge said persons in and from said jail in such manner as shall be prescribed by the ordinances of said city, or otherwise in due course of law. The said city may have a common seal, and alter the same at pleasure; and may have and enjoy all the powers and privileges of a municipal corporation.

Erect buildings

Erect city prison, &c.

§ 3. And said city is invested with all the lands, tenements, and hereditaments, and all the goods, chattels, money, revenues, rights and demands, in possession or expectancy, accrued or to be accrued, of the town of Paris, as fully as the same were held by said town; and said city shall be bound by all contracts and responsible for all debts, demands, and liabilities, of whatever sort, against said town, in the same manner and to the same extent that said town was or is liable and responsible therefor.

City invested with lands, &c.

§ 4. That the corporate limits of the city of Paris be, and they are hereby, established as follows: Beginning at a stake on the south side of the railroad opposite the

City limits.

- 1871.** grounds of the Bourbon County Agricultural Society; thence with the northeastern line of said grounds, crossing the Maysville and Lexington Turnpike, through the Paris cemetery grounds, one hundred and twenty-five and sixty one hundredths poles to a stake, corner to Henry Croxton, in Charles T. Garrard's line, on the west side of the old Ford's Mill dirt road; thence with said Garrard's line north twelve and one quarter degrees, west twenty-four and forty one hundredths poles, to a stake; thence down Houston creek, including said Garrard, north sixty-nine degrees, east seventy-three and forty one hundredths poles, to a stake; thence north thirty-two and a half degrees, east eighty-five poles, to a stake; thence north twenty-two degrees, west seventy-six and twenty-eight hundredths poles, to a stake; thence north seventeen degrees, east eighty-three and sixty one hundredths poles, to a stake, corner to Frank Kennedy; thence north thirty-three and a half degrees, east sixty-six and seventy one hundredths poles, to a stake on the western bank; thence along said bank of said creek, with its meanders, towards the courthouse in said city, to the line between the lots of Matt. Turney and H. M. Rucker; thence with said line, between Turney and Rucker, to the western edge of the Paris and Ruddell's Mills Turnpike Road; thence with said margin of said road to the intersection of the old Cynthiana dirt road; thence running through W. E. Simms' orchard, north fifty-nine and a half degrees, east twenty-nine and thirty-two one hundredths poles, to a stake; thence crossing Stoner creek, north eighty-five and a half degrees, east one hundred and twenty-one and twenty-eight one hundredths poles, to a stake in B. B. Marsh's land; thence south forty-nine and a half degrees, east one hundred and twenty-three and sixty one hundredths poles, to a stake in the first bend of the south side of the Paris and North Middletown Turnpike; thence south thirty-one and three quarter degrees, west three hundred and forty-three and eighty-four one hundredths poles, to a stake, including the residence and in part the lands of Garrett Davis, near the corner between him and Levi Link; thence south seventy-three and one half degrees, west one hundred and nineteen and sixty one hundredths poles, crossing the Paris and Winchester Turnpike, and running on the line between the lands of W. R. Griffith, Mrs. Daniel, and Mrs. Mary E. Williams, to the northeast corner of what is known as Clayville, in the line of said Griffith and Williams; then with the line (as the fence now stands) of Clayville to the south side of the Covington and Lexington Railroad; thence with said railroad, on the same side, to the beginning. And the mayor and council of said city, and its
- To Maysville and Lexington Turnpike.**
- To Croxton and Garrard's.**
- Houston.**
- To F. Kennedy.**
- To W. E. Simms.**
- To Stoner.**
- To B. B. Marsh's.**
- North Middletown Turnpike**
- To G. Davis and Link.**
- To Clayville.**
- Jurisdiction.**

other officers, shall have over all of said territory the same jurisdiction as they have within the original limits thereof.

1871.

§ 5. Said city is divided into two wards, separated by Main street. So much as lies on the north side of said street, and on which the court-house stands, shall constitute the First ward, and that on the other side of said street the Second ward.

Divided into two wards.

§ 6. The officers of the city of Paris shall be a mayor, three councilmen from each ward, an assessor, marshal, collector, treasurer, and clerk, and other officers which the common council may appoint in their discretion.

Officers of city.

§ 7. The mayor and councilmen shall be elected by the qualified voters of the city.

Officers to be elected.

§ 8. The mayor and board of councilmen shall be elected on the first Saturday in April of each year; the election to be held at the court-house, and the polls to be open from 7 o'clock, A. M., until 5 o'clock, P. M. The mayor to hold his office for two years, and the councilmen for one year. All officers shall take an oath to faithfully discharge the duties of their office.

When election held.

§ 9. The marshal, assessor, collector, treasurer, and clerk of the city of Paris, shall be elected by the council of said city, at the first meeting they hold after their election, or as soon thereafter as possible, who shall hold their offices until the next election of councilmen, or until their successors are duly appointed, and subject to removal by said council, as provided in this charter, and shall perform such duties as the council by ordinance shall require of them; and any vacancies in either of said offices shall be filled by said council.

Officers elected by council.

Vacancies—how filled.

§ 10. No person shall be eligible to the office of mayor who has not resided two years within the city limits, and who is not twenty-five years old; nor shall any person be eligible to any other office who has not resided one year within the city limits. In all cases the officer must also be a qualified voter under the Constitution and laws of Kentucky. And no officer shall be eligible for re-election or re-appointment who has not, before such election or appointment, received from the proper authority a discharge in writing for any money which may have come to his hands belonging to the city, and for which he is accountable to the city.

Eligibility of officers.

§ 11. Every male citizen over 21 years of age who is sane, and not a pauper, who shall be a legal voter under the Constitution and laws of the State, and has resided 60 days next preceding the day of the election in the city, and have either paid their poll-tax to said city for the year next preceding the election at which they claim to vote, or have arrived at the age of 21 years since the last assessment of tax, shall be deemed a qualified voter for city officers.

Eligibility of voters.

1871

*Mayor's duties
and powers.*

§ 12. It shall be the duty of the mayor to preside at all meetings of the council, and he shall not vote unless there is a tie; he shall be a conservator of the peace; may arrest offenders against the penal laws of the city and Commonwealth on view, and summon the *potestatus* to his aid; he shall exercise a strict supervisory control over the affairs of the city; see that the city ordinances are enforced, and that each officer discharges his duty properly, and to cause such officer as may be derelict in the discharge of his duty to be impeached; he shall take the necessary steps to suppress riots, insurrections, and disorderly meetings; and he shall perform all such duties and exercise such powers as, from time to time, may be confided to him by the laws of the city, or which may otherwise pertain to the office of mayor.

*Common council.**Mayor and
clerk of city.*

§ 13. The three councilmen from each ward, together with the mayor, shall constitute the common council. It shall be the duty of the city clerk to keep a correct record of the proceedings of the common council which shall, at all times be open for the inspection of any citizen of the city; he shall sign all commissions, licenses, and permits granted by the city authorities, and perform such other duties as shall be prescribed by the council. The council shall meet on the first Tuesday after each election, and as often thereafter as the public business may require. A majority of the councilmen shall be necessary to transact business. In the absence of the mayor, the council must elect one of their own body to preside during the meeting. The common council shall have full power to assess and collect annually, against each male inhabitant, liable to taxation under the laws of the State of Kentucky, a capitation tax, not exceeding one dollar and fifty cents per head, and upon all other property, real, personal, and mixed, including merchandise, except such as is exempt by the State laws from taxation, and except rights, credits, and money, such ad valorem tax as they shall, from time to time, deem expedient: *Provided*, Such assessment shall not exceed fifty cents on the one hundred dollars' worth of taxable property. The council shall cause to be made out, on or before the first Monday in February of each year, a copy of the assessment roll of the previous year, and handed to the assessor, together with a precept commanding him in the name of the city to make and return to the common council, on or before the second Monday in May thereafter, a list of all persons liable to poll tax as aforesaid, and of all lands and tenements, goods and chattels, liable to be taxed as aforesaid, with the name of the owner thereof, and a just valuation and a certain description of said property. The assessor shall execute and return said precept according to the command thereof;

*When council
to meet, and its
powers.**Assessments
to be made out
and handed to
assessor.*

and every such assessment shall be taken as if made on the first Monday of March in each year, except goods, wares, and merchandise, which shall be taken as if made on the first Monday in May in each year, from which times the taxes of the current year shall be a lien upon the property so assessed, and a charge against the owner thereof until the taxes shall be paid. The present said city council may allow the members of any future council for their services, a sum not exceeding one dollar and fifty cents for each session of the council attended by them; and if such allowance is made, the mayor may be authorized to fine each member, for non-attendance of each session, a sum not less than two dollars and fifty cents.

1871.

§ 14. That the common council shall have power to cause and to procure all the streets and alleys in the city now established, or hereafter to be established, to be paved and turnpiked at the cost and expense of the lot-owners fronting such streets or alleys; and when the paving or turnpiking shall be completed, they shall apportion the cost and expenses thereof on the lot-holders in proportion to the front of lot owned by each lot-holder; and a lien is hereby given on the lots and parts of lots for the security of the payment of the same, which costs and expenses may be listed and collected by the city collector as other taxes; but the collector shall also have authority to sell and convey the lots and parts of lots for the same, under the by-laws and ordinances of the common council: *Provided*, That the owner of any lot or lots thus sold for paving and turnpiking shall have five years after the date of the deed of conveyance to redeem the same, on paying the purchase money and ten per centum interest per annum, and also all taxes and levies that may have subsequently accrued: *And provided*, That infants shall have one year after arriving at full age on like terms.

May have streets and alleys paved or turnpiked.

§ 15 That the common council shall have power to cause the sidewalks to be curbed and paved with stone or brick, and to apportion the costs and expenses thereof on the owners of lots fronting thereon; and a lien is given on the lots for the same; and such costs and expenses may be listed and collected in like manner as that of paving and turnpiking; and the collector shall have like authority to sell and convey the same as is provided for in the preceding section, and subject to redemption in the same way.

May have sidewalks curbed and paved.

§ 16. The owners of lots fronting on streets which the common council may require to be paved or turnpiked, and also of sidewalks to be curbed and paved, shall have the right to make the same at their own cost and expense; but in all cases to be done in accordance with the ordinance of the common council as to the manner and time.

Owners may have streets paved, &c.

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May cause sidewalks & streets to be repaired.

§ 17. The common council may, in like manner, cause sidewalks and streets to be repaired or repaved at the cost and expense of owners holding lots fronting thereon, and with the same power to compel the payment of the cost and expense thereof, and with the same lien on the lots, and with the same power to cause said lots to be sold and conveyed to the purchasers thereof, and with like privilege of redemption to the owners of the same.

Abate nuisances.

§ 18. In all cases of public nuisances, of whatever kind, the common council, after reasonable notice to the guilty party, may cause the same to be abated, and may sue such guilty party in any court of competent jurisdiction, and recover full compensation for the expense of such abatement.

Council may grant license to retail liquors & to shows.

§ 19. The common council may grant or refuse to license coffee-houses, in their discretion, to persons who may have complied with the statute law of the State in such cases made and provided, to retail spirituous liquors of less quantity than one quart, to keep a tavern, inn, ale, porter, or coffee-house or shop, or any other house of public entertainment or convenience not prohibited by law. They shall also grant a license for the exhibition of animal shows, and all other shows not indecent, or which do not violate public morals; and such sums of money shall be paid for such licenses as may be required by the common council, under such rules and regulations as the council may prescribe; and for violation of such rules and regulations on the part of the person obtaining the license, the license may be revoked by the common council; and if any person, without having obtained a license, shall keep such house, tavern, inn, or shop, or shall sell, by retail, any spirituous liquors, or exhibit any show for gain in the city, he, she, or they, and all aiding or assisting in the same, shall severally forfeit and pay for each offense of not less than ten nor more than fifty dollars.

May borrow money—and how.

§ 20. The mayor and council (a majority of all elected voting for it) shall have power to borrow money, and issue the bonds of the city for the same, and pledge the faith, property, and revenues of the city therefor; but no amount beyond the revenue of the current year shall be borrowed without the concurrence of a majority of all the qualified voters of the city. When the mayor and council submit a proposition to the voters of said city to authorize them to borrow money, they shall issue an ordinance stating the sum proposed to be borrowed, the time for which it is to be borrowed, and the object or objects for which the money to be borrowed is to be expended; and the money so borrowed shall be applied to the purpose for which it was borrowed. The mayor and

council shall, before they issue an ordinance to take the vote of said city to authorize them to borrow money, make provision for payment of the interest on the sum to be borrowed, as it shall accrue, and to pay the debt when it shall become due, which provision so made shall be distinctly stated in the ordinance proposing to borrow money; and the ordinance made shall be published in one or more newspapers published in the city of Paris, for at least three weeks before the vote is taken. All bonds of the city for the payment of money shall be signed by the mayor and countersigned by the treasurer. No bond of the city shall be sold for less than par, or bear a higher rate of interest than ten per cent., payable semi-annually.

1871.

§ 21. Said mayor and council are hereby authorized to levy an annual tax on all the property within said city subject to taxation, in addition to that now allowed by this charter, not exceeding fifty cents on each one hundred dollars' worth thereof, for the purpose of paying the interest, and ultimately the principal, of its debt, including that created by a subscription to the capital stock of the Paris Gas Company, and the amount to be paid by it to said gas company annually, for the purpose of having the streets lit with gas, and to pay all other debts now existing, or hereafter created for and on behalf of said city. It shall be the duty of said city council to levy distinct and separate taxes for the support of the city schools, the payment of its gas bills, and to liquidate its indebtedness for subscription to the capital stock of the gas company of Paris, which shall be applied and used for no other purpose.

To levy tax.

§ 22. Said mayor and council may issue its bonds, not having a longer time to run than twenty years, and bearing a rate of interest not exceeding ten per cent., payable semi-annually, signed by the mayor and countersigned by the treasurer, and under the corporate seal, and sell the same for the purpose of paying its debts; or they may borrow money for that purpose for any length of time less than said period, at a rate of interest not exceeding ten per cent. per annum, and give the note of the city therefor, executed and signed in the same mode, and pledge by mortgage, executed in the same mode or otherwise, all the property, income, and taxes now or hereafter assessed belonging to said city, as a security for any money so borrowed: *Provided*, That no taxes necessary to conduct the ordinary affairs of the city, or specifically set apart for other purposes, shall be so pledged.

May issue bonds.

§ 23. Any notes executed by the members of the city council, now or hereafter, for the benefit thereof, and to raise money to pay its said subscription aforesaid, or any other city debt, shall be binding upon said city: *Provided*,

Notes executed binding.

1871. That an entry, showing the facts, be made upon the records of the proceedings of the city council.

May subscribe
to gas company.

§ 24. Said mayor and council may subscribe to the capital stock of said gas company to enable it to extend its pipes, &c., a further sum not exceeding five thousand dollars, and may contract with it to supply any additional number of lamps in the streets with gas; and to pay for same, may borrow the money in either of the modes provided for in this act.

May establish
board of health

§ 25. The mayor and council shall also have power and authority to establish a board of health for the city, and invest it with such powers, impose upon it such duties, and prescribe for it such regulations, as shall best secure the city from contagious and infectious diseases, and make all other provisions, and do all other things necessary to the public health; to provide for the maintenance of the paupers of the city; to procure fire engines, hose, and other fire apparatus; establish and organize fire companies, and make all proper regulations for their government; and for that purpose, to make such abatement of the poll and other taxes of firemen, who shall be exempt from serving on any jury; to compel the citizens to provide themselves with fire-buckets, and assist in extinguishment of fires; to regulate the sweeping and burning out of chimneys, the storage of gunpowder, and other combustible and dangerous articles, and to take all other usual and proper measures for preventing or extinguishing fires; to sink wells and cisterns, and supply the city with wholesome water; to provide for lighting the streets of the city; to establish a city watch, with power in the watchman to arrest all persons found within the city violating any of the criminal laws of this State, or penal ordinances of the city, and take them before the mayor or magistrate for examination; to regulate and prevent the interment of deceased persons within the city, and purchase, hold, and regulate burying-grounds for the city; to abate and prevent the erection of all nuisances, define and declare what shall be a nuisance, and prevent by fine the exercise of all noxious or offensive trades within the city, or within any parts thereof; to establish markets or market places, and regulate the buying and selling of articles usually sold in market; to appoint measurers, weighers, gaugers, and inspectors, for ascertaining the quality and quantity of flour, meal, beef, pork, and other provisions, coal, wood, lumber, hay, and other articles for market, and the accuracy of weights and measures and mechanics' work, and fix the fees of such officers; to license and regulate porters, carts, wagons, hacks, and other vehicles plying in the city for hire, fix the prices therefor, and prohibit those not licensed; to license auctioneers, and to regulate auctions, except in

Maintain paupers;
procure fire engines, &c.

Establish city
watch, &c.

the case of auctions authorized by the general laws of the State; to prohibit and prevent hogs, cattle, horses, and other animals from running at large in the city; to assess an annual tax on the owners or keepers of dogs within the city; to suppress gaming-houses and houses of ill-fame, and punish the person who shall keep them; and to preserve good order and the public peace by preventing intoxication, immorality, lewdness, idleness, vagrancy, quarreling, fighting, rioting, and other disorderly conduct within the city, and punish those guilty of such conduct therein; and the mayor and council are authorized to make all by-laws, ordinances, and regulations necessary and proper to carry the foregoing and all other powers granted by this act into full effect, and to enforce the same by penalties not exceeding fifty dollars, to be recovered before the mayor.

1871.

§ 26. On the second Monday of May, annually, or as soon thereafter as practicable, the mayor and council shall determine the amount of the poll, and the rate of the ad valorem taxes for the year; and the clerk thereupon shall make and deliver to the collector, as soon as practicable, a list, in alphabetical order, of the persons named in the assessment roll, and the amount of taxes of the current year, and the delinquent taxes of the preceding two years charged against each, specifying whether the tax is a poll or property tax; and if the latter, concisely describing the property, with a precept under the seal of the city, commanding the collector, in the name of the city, to collect the taxes charged in said list by demanding payment of the persons therein charged, or by distress and sale of their respective goods and chattels, or of lands, tenements, and hereditaments described in said list; and to return said precept and list to the mayor and council, and pay over the money so collected to the treasurer on or before the first Monday of November then next, or as often as directed.

When amount of tax to be determined, and assessment roll furnished collector.

§ 27. The collector shall execute and return said precept according to the command thereof; and he shall specify in his return what taxes have been collected by distress and sale, the property sold, the price for which it sold, and the name of the purchasers, and what taxes remain unpaid, and the cause of their non-payment; and he shall make oath that his return is just and true, which oath shall be annexed to his return. The collector shall also report to the mayor and council all omissions, and other errors in the assessment and tax rolls which shall have come to his knowledge; and the mayor and council shall, at all times, have power to correct any assessment or tax roll, by adding to or subtracting from, as to them shall seem right; and to refund any moneys, and to make any other just restitution for taxes wrongfully collected.

Duty of collector in collecting tax.

1871.

Collector to
advertise time
of payment of
taxes.

§ 28. The collector, upon receipt of the tax-book, shall advertise in one or more newspapers of the city, calling upon the tax-payers to meet him at his office to pay their taxes; and if any tax shall remain unpaid on the first Monday in August, he may collect the same by distress and sale, at auction, of the goods and chattels of the person charged therewith, and found in the city, returning the overplus, if any, to the owner, giving ten days' notice of such sale by written advertisements, put up at three public places in the city.

Treasurer and
collector to ex-
ecute bond.

§ 29. The treasurer and collector shall, before entering upon the discharge of their respective duties, each execute a bond in such penalty as the mayor or council may direct, with good and sufficient security, conditioned for their honest and faithful discharge of official duty, their bonds to be approved by the council, who shall cause the same to be filed in the city records, and true copies of which shall be spread of record. If, at any time it shall be deemed proper, the council may require additional security of one or both of the above-named officers, and increase the amount of either or both their said bonds.

Rules to be
established to
enforce dis-
charge of offi-
cial functions.

§ 30. The mayor and council shall be authorized to establish rules to enforce a faithful and honest discharge of the official functions of all the officers of the city, and to inflict a penalty for their non-observance; to remove from office the mayor or any member of the council, or other city officer; but, in all cases of impeachment, the party accused shall be notified of the charge or allegations against him at least ten days previous to the day of trial; and they shall also be placed of record in the proceedings of the council.

Money to be
paid into treas-
ury, and how
drawn out.

§ 31. All moneys of the city, raised, collected, or received by the means of taxes, licenses, penalties, or otherwise, shall be paid into the treasury, and shall not be drawn therefrom except by the authority of the mayor and council, upon an order signed by the mayor and countersigned by the clerk. The mayor and council shall cause all demands in favor of and against the city to be adjusted and paid as speedily as possible; and shall require all officers and agents intrusted with the keeping or expenditures of moneys of the city, to account for and dispose of the same, at such short intervals, and in such manner as they may direct; and they shall cause annually to be published, in one or more newspapers of the city, a full and concise statement of the receipts and expenditures of the city. They shall also at the close of each fiscal year cause to be published a true delinquent list, giving the name of each delinquent tax-payer, with the amount of his or her delinquency, to be published in like manner.

§ 32. That all fines or forfeitures incurred and imposed by the mayor of the city of Paris, shall be paid into the city treasury for the use of said city, and may be applied by the mayor and council in aid of the city school, or for any other purpose.

Fines, &c., paid to city treasury for the use of city school, &c.

§ 33. The mayor or a majority of the council may call special meetings of the mayor and council whenever they shall judge it expedient, by giving notice to the other councilmen who shall at that time be in the city; the mayor, and in his absence, the president *pro tempore* of the council, shall sign the records of their proceedings, and a copy of the record so signed, certified by the clerk, shall be competent evidence in any court of this State. No by-laws or ordinances of a penal nature shall be passed by the mayor and council without being publicly read twice at different meetings; and the vote upon the passage thereof shall be by ayes and noes, and entered on the record; but no such by-laws or ordinances shall be in force until a copy thereof, certified by the clerk, shall have been published in two successive issues of one or more newspapers of the city.

Special meetings of council may be called.

Who to sign records, and certified copy evidence.

§ 34. The mayor shall have the same jurisdiction and power in both civil and criminal cases which justices of the peace have, if the causes of action or of complaint shall have arisen, or the defendants or one of the defendants shall be found in the city; and he shall have jurisdiction of all cases for a violation of any by-law or ordinance of the mayor and council; he shall also have the power to issue all process for carrying the jurisdiction into effect; shall proceed in the same manner and be entitled to the same fees as justices of the peace; he shall keep a docket which, in all respects, shall have the same effect as a docket of a justice of the peace, and a copy therefrom, certified by the mayor under his hand, shall be competent evidence in any court in this State; and the parties to any suit before him shall have the same right to a change of venue, to a trial by jury, and to an appeal, as if the suit was pending before a justice of the peace.

Jurisdiction of mayor.

§ 35. It shall be the duty of the marshal to serve and return all process directed to him by the mayor, and his power for this purpose shall be co-extensive with Bourbon county; he shall attend all trials before the mayor; receive the same fees for services, and do the same duties in like cases as constables. In case of the absence or inability of the marshal, the mayor may direct process to any constable of Bourbon county, who shall serve and return the same.

Marshal—his powers and duties.

§ 36. If no goods or chattels shall be found out of which to make the taxes charged on any lands, tenements, and hereditaments, or being found, and sold, shall be insuffi-

How lands, &c., for taxes may be sold.

1871. cient to satisfy such taxes, the collector shall seize such lands, tenements, or hereditaments, and having given three weeks' general notice of the sale in a newspaper published in the city, he shall, at the court-house in the city, on the fourth Monday in October, between 10 o'clock, A. M., and 5 o'clock, P. M., thence from day to day as long as it shall be necessary, sell at public auction, for cash, the least interest in said lands, tenements, or hereditaments that will satisfy the taxes charged thereon, and the costs of sale; and the taxes and costs being paid by the purchaser, the collector shall give to him a certificate of such sale signed by himself, stating particularly the property sold, the amount and the year of the tax, and the purchaser's name; said certificate shall be recorded by the clerk in a book kept for that purpose within sixty days after its date. The collector shall charge one dollar in the costs of the sale, of which he shall keep seventy-five cents for making, and pay to the clerk twenty-five cents for recording the certificate; and if all proceedings relative to the tax and sale shall have been regular, such certificate shall vest in the purchaser, and his representatives and assigns, an indefeasible title to the interest so purchased in such lands, tenements, or hereditaments, and the certificate shall be a *prima facie* evidence of such regularity. If any lot or part of lot, sold as directed by this section, shall not be redeemed at the expiration of two years from the date of sale, the collector that made the sale, or the collector of the city for the time being, shall make a deed to the purchaser, in which deed the certificate of sale shall be recited, and acknowledge the same for record in the Bourbon county court clerk's office; and such deed shall be *prima facie* evidence of the regularity of the sale, and vest an indefeasible title in the purchaser; but any person interested in the lands, tenements, hereditaments so sold, may redeem the same, at any time within two years from the date of such sale, by paying to the purchaser or clerk of the city, for the purchaser's use, the amount of which the same was sold, together with one hundred per cent. thereon, with six per cent. per annum as interest on the purchase money; but the purchaser, his representatives and assigns, shall not be liable to account for the use and occupation of the lands, tenements, and hereditaments, between such sale and redemption; and they shall have the right to remove all improvements made by them within said period; this act shall not be so construed as to impair the rights of infants and *femes covert* to redeem as aforesaid, or to contest the validity of the sale as aforesaid, for two years after respective disabilities shall be removed; but this saving shall not extend to any joint tenant or tenant in common, or coparcener, not laboring under said disability.

§ 37. The city shall provide by ordinance for all elections in conformity with this act and the Constitution and laws of this State.

Elections to be provided for

§ 38. The common council shall have full power to cause each officer appointed by them, before he enters upon the duties of his office, to execute bond in such penalty as they may direct (by ordinance), with such security as they may approve, conditioned that he will faithfully discharge the duties of his office, and fully pay over to the treasurer, when required by the order of the council, all moneys which he may have received by virtue of his office, which bond shall be filed away by the clerk. Each and every bond required or authorized to be executed by this act, by any city officer (except as otherwise provided), shall be executed to the city of Paris; and upon all such bonds suit may be brought and judgment recovered in any of the courts of this Commonwealth. All suits commenced, and proceedings hereafter prosecuted for and on behalf of said city, shall be in the name of the city of Paris.

Officers to give bond.

§ 39. This act shall be a public act, and be judicially noticed and liberally construed by all courts in this State; and in pleading, it shall not be necessary to recite the by-laws and ordinances of the mayor and council, but it shall be sufficient to refer to the date, title, and section. The rights and privileges herein granted shall not be taken away or affected by any law hereafter made, unless the corporation hereby created shall be expressly named therein; and the fact of any person being a citizen of the city of Paris shall not render such person incompetent to be a witness in any suit to which the city may be a party.

This act to be a public act, & to be liberally construed.

§ 40. The mayor and council shall have power to license any and all express companies which may be engaged in the transportation of goods, wares, and merchandise for pay, which shall have an office or offices within the city limits; and may charge for such license any sum not exceeding one hundred dollars; and no express company shall have or keep an office within the city limits, or do its business therein by an agent or otherwise, without such license, under a penalty of two hundred dollars, to be enforced as other fines by proceeding before the mayor, any law to the contrary notwithstanding.

Express companies may be licensed.

§ 41. The common council may appoint a deputy marshal or marshals for any period of time not exceeding the time for which the marshal has to serve, and to fix the compensation for the same.

Deputy marshal may be appointed.

§ 42. All by-laws and ordinances passed by the common council of the city of Paris, before the passage of this act, shall remain in full force until repealed by the common council.

Laws heretofore passed, to remain in force until repealed.

TO REGULATE BUILDING IN THE CITY OF FARM.

How walls to be built and material. § 43. The outside and all party walls of all dwelling-houses, store-houses, and other buildings hereafter to be erected or built within the city limits, as the same now exists, or may hereafter be extended, shall be constructed of stone or brick, unless the builder shall obtain a permit from the city council to construct the same of different material.

Outside and party walls. § 44. The outside and party wall of such buildings shall not be less than twelve inches thick, except flues of chimneys, in any part thereof, and they shall extend at least three feet above and outside the roof.

Planking, &c. § 45. The planking or sheeting of the roof of any such building shall in no case be extended through or across the party walls thereof; and all such buildings, and the tops and sides of all dormer windows therein, shall be roofed or covered with fire-proof material, such as tin, iron, tile, or slate.

Beams, &c. § 46. All beams or other timbers in the party walls of such buildings shall be separated from each other at least four inches, by brick, stone, or mortar; and all plate pieces in the front or rear walls shall recede from the outside of the walls at least four inches, and such wall shall be built up to the slate or other fire-proof material used for roofing.

Chimneys, &c. § 47. No chimney shall be started or built upon the floor of the building, or be cut off to be supported by wood below; and all hearths shall be supported by an arch of stone or brick.

Timber from flues. § 48. No timber bearer or trimmer, nor any wood, shall be nearer to the flue of a chimney than twelve inches, nor to any oven boiler or furnace nearer than two feet.

Lintels. § 49. All outside lintels shall be of stone or iron, and no bond timber in any wall shall, in width and thickness, exceed the width and thickness of one course of brick.

Gutters. § 50. All wooden gutters of any such buildings shall be lined or covered, on the upper service thereof, with copper, zinc, or other fire-proof material.

Trap doors and shutters. § 51. All trap-doors on roofs shall be made or covered with the same material of which the roof is made, or some other good fire-proof material; and all shutters and doors in the rear or sides of any such building, which shall be used as a warehouse or store house for goods, shall be made of iron or copper, or covered with either of them when made of wood; and all beams, girders, plates, and joists shall be firmly secured in the walls with iron anchors, and shall recede at least four inches from the outside of the wall, unless by special permit it is otherwise fixed; and all wooden or metal cornice or ornaments shall be made fast to the wall by iron anchors or

hold-fasts, and shall not be nailed to the joists, rafters, or other wood, unless by permission from the council.

1871.

§ 52. All door or window sills of such buildings shall be of stone or iron; and shutters of all such buildings shall be made flush with the walls, so as to cover the window frames; such door frames to be covered with iron or copper.

Door and window sills.

§ 53. All ash-holes or ash-houses within the city shall be built with brick or stone, without the use of any wood whatever, unless a permit is granted by the city council to use wood.

Ash-holes or houses.

§ 54. No wooden building shall be removed from one lot to another without a permit from the city council.

No building moved.

§ 55. Every house or other building, of any description whatever, hereinbefore mentioned, which shall hereafter be erected or built, repaired, altered, enlarged, or raised, or roofed contrary to the provisions of this act, shall be deemed a common nuisance; and any proprietor who shall erect or build any house contrary to the provisions of this act, shall be liable to a fine of five hundred dollars for each offense; and every master workman who shall build or assist in building any house in violation of the provisions of this act, shall be liable to a fine of two hundred and fifty dollars; which said penalties shall be recovered by proceedings, to be had in the name of the common council of said city against the party offending, in the Bourbon circuit court; and said fines, when recovered and paid, shall go to the use of the city; and by a proceeding in equity in said circuit court, in the name of said city, the person or persons erecting buildings, or altering or repairing the same, may be compelled to remove or take down such building, or make such alterations or repairs conform to the requirements of the city council.

Penalty.

§ 56. The city marshal, or such deputy of his as the city council may designate, shall act as building inspector; and it shall be his duty to inspect all buildings while being erected and all houses while being repaired, and see that the same is done according to the provisions of this act, and to report to the council all cases where the same is not done.

Marshal to act as building inspector.

§ 57. That all acts and amendatory acts thereto incorporating the city of Paris are hereby repealed, except such acts regulating the city school as are not inconsistent herewith.

All former laws repealed.

§ 58. This act to be in force from its passage.

Approved March 13, 1871.

1871.

CHAPTER 1511.

AN ACT to incorporate the Woodford Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of the
commissioners
to be inserted
in blank.

Commissioners
appointed to
receive sub-
scriptions of
stock.

Calling meet-
ing of stock-
holders.

Capital stock.

§ 1. That A. Buford, Joseph McCown, James Brookie, Johnson Miller, Robert McConnell, J. P. Ford, Sandford Lyne, T. D. Elmore, William Dunlap, D. J. Williams, T. P. Porter, J. D. Helm, Wm. Rogers, H. Varnon, Sedney Robertson, J. C. Marshall, Lewis Sublett, Berry Craig, D. Thornton, Thos. S. Edwards, Harry Brown, Lewis Berry, Benj. Williams, John H. Jessee, C. W. Nuckols, Montgomery McGee, E. C. Marshall, H. C. McLeod, Samuel Lyons, Aaron Farra, W. W. George, William Hamilton, James S. Hawkins, E. N. Berryman, and Logan Railey, of Woodford county; and Z. Ward, Harvey C. Worley, James C. Farra, James Herne, Henry Buford, D. L. Price, and Dr. Steves, of Fayette county; are hereby appointed commissioners, and constituted a body-corporate, under the name of the Woodford Railroad Company (any ten of whom shall form a quorum to exercise the powers conferred by this act), for the purpose of constructing a railroad from Lexington, through or near the town of Versailles, to the most eligible point for crossing the Kentucky river between the mouth of Glenn's creek and the mouth of Greer's creek, in Woodford county. The above-named commissioners may open, or cause to be opened, books for receiving subscriptions to the capital stock of said railroad company, at such times and places as they may designate, after having given such public notice as they may deem proper; and when the sum of fifty thousand dollars of valid subscriptions shall be made, it shall be the duty of said commissioners, after at least ten days' notice, by public advertisement in at least one newspaper published in Woodford county, and such other papers as may have a circulation in said county as they may select, to call a meeting of the subscribers for the purpose of electing a board of directors for said company, upon whom all the powers conferred by this act shall devolve: *Provided*, That any subscription tendered at any time and place, other than those advertised, which may be received by said commissioners, or any of them, shall be as valid against the party subscribing, as if received at the time and place advertised; and if any of the commissioners shall die, or refuse to act during a continuance of the duties devolved upon them by this act, others may be appointed in their stead by a majority of those acting.

§ 2. The capital stock of the Woodford Railroad Company shall be six hundred thousand dollars, in shares of one hundred dollars each, which may be subscribed by individuals, companies, or corporations; and as soon as five

hundred shares shall be subscribed, the subscribers, their successors or assigns, shall be, and they are hereby declared to be, an incorporated company, under the name of the Woodford Railroad Company; and by this name shall be capable of purchasing, holding, selling, leasing, and conveying real estate, not exceeding one thousand acres, and personal estate, so far as the same may be necessary for the purposes of the corporation, and shall have perpetual succession; and by said corporate name may sue and be sued, contract and be contracted with; and may have and use a common seal, and alter or renew the same at pleasure; and may have and enjoy all the privileges which belong to other similar corporate bodies.

1871.

Name and corporate powers.

§ 3. That there shall be paid, at the time of subscribing stock, to the persons receiving the subscription, the sum of one dollar on each share, in money, or in note or notes, payable at not more than sixty days to some one of the commissioners, and negotiable in some bank. The residue of said subscription shall be paid in installments, at such times as may be required by the board of directors of said company, but not until at least ten days' notice shall have been given by publication in one or more newspapers circulating in the county; and if any subscriber shall fail to pay such installment in full, at the time specified in such notice, the same may be recovered by an action in the name of the corporation in any court having jurisdiction in such cases; and in such actions it shall not be necessary to prove any other demand than the publication provided for in this section; or, in case of failure to pay any installment in full, for the period of sixty days after such demand, the board of directors may declare the amount before paid, by such defaulting subscriber, forfeited for the benefit of the company, and retire said stock: *Provided*, That subscription may be paid in real estate situated in Kentucky, if such subscriptions shall be tendered to the board of directors after their organization; the said real estate to be taken at its cash value, the same to be determined by three commissioners, two of whom are to be selected by the directors and one by the subscriber; or subscriptions may be paid in work in the construction of said railroad, or for the use and benefit of the same.

How stock shall be paid, and how forfeited.

Real estate or work to be received in payment of subscriptions.

§ 4. That in the meeting of the subscribers provided in section one of this act, to be called by the commissioners, and in all meetings of the stockholders thereafter, each stockholder shall have one vote for each share of stock he may have subscribed for or paid in, which he may cast in person or by proxy, evidenced by writing; and in the first meeting called by the commissioners, as provided in section one, it shall be the duty of the stockholders to elect a board of directors, to be composed of seven members,

Voting stock.

Election of directors.

1871.

President, how
elected and
paid.

Annual and
general meet-
ings called by
the board or
stockholders.

To remove
directors and
elect new ones.

Changing the
time of holding
annual meet-
ings and filling
vacancies in
the board.

Oath of office
of president &
directors.

Elect secretary

Treasurer, and
his bond.

who shall hold office for one year, or until their successors are elected and qualified, from among the stockholders, upon whom the exercise of all the powers conferred by this act shall devolve; and said board of directors, any four of whom shall constitute a quorum, shall have power to elect any one of their own body as president, and fix the rate of compensation for his services as they think proper; and annually, on the first Tuesday of March, there shall be called a general meeting of the stockholders, by notice published at least twenty days before, in at least one newspaper circulating in the counties through which the road passes, signed by the president, and stating the object of the meeting, for the purpose of electing a new board of directors; the board of directors may call other meetings of the stockholders at any other times they may deem proper, upon similar notice; or a majority in interest of the stockholders may call a general meeting at any time upon similar notice; and when assembled, shall make a record of the names of the stockholders present, either by proxy or in person, and the number of shares each may hold, and of the proceedings of such meeting, which shall be considered a part of the records of the company; they shall, if a majority in interest of the stockholders are present by proxy or person, have the right, by a majority of the votes cast, to remove the existing board of directors, or any one of them, and elect others in their stead: *Provided*, That the time and place of annual meetings may be changed by any general meeting of the stockholders: *And provided further*, That in the intervals between annual meetings the board may fill vacancies occurring from deaths, resignations, or any incapacity among their number, by a vote of a majority of said board.

§ 5. That before exercising the powers hereby conferred, the president and directors shall swear or affirm, that they will well and truly discharge the duties of their office to the best of their abilities and judgments; they shall have power to pass all by-laws necessary and proper for the exercise of the powers hereby vested in said company, and for carrying into effect the purpose of this act; they shall elect a secretary, who shall keep a correct and full record of all their official proceedings, which shall, at all reasonable times, be open for the inspection of any stockholder; they shall also elect a treasurer, and require him to give bond in such penalties, and with such securities, as they may prescribe, payable to said company, and conditioned for the faithful keeping and disbursing of all money that may come into his hands; and for any breach of the condition of such bond recovery may be had, by suit in the name of said company, in any court of com-

petent jurisdiction; said board of directors shall also have power to appoint such other agents as they may deem necessary, and to fix the rate of compensation of all the officers, agents, and employees they may appoint or elect.

1871.

Other agents.

§ 8. The board of directors are hereby authorized to reopen the subscription books for receiving subscriptions of stock, from time to time, as they may think proper, until all the stock authorized by section 2 shall be taken; and should this amount prove insufficient for the purpose contemplated by this act, it shall be lawful for the said board of directors to increase the same to such an amount as they may deem necessary, not exceeding one million dollars, after giving notice as hereinbefore required; should the necessary amount of stock not be subscribed, it shall be lawful for the said board of directors to borrow such a sum or sums as they may require, not exceeding four hundred thousand dollars, and secure the same by mortgage upon the road-bed or other property of the said company, or upon such other terms as may be agreed upon.

Reopen books and increase capital stock.

Borrow money and mortgage road.

§ 7. That the board of directors are hereby vested with all the powers and rights necessary for the construction of a railroad from any suitable point for crossing the Kentucky river, between the mouth of Glenn's creek and the mouth of Greer's creek, in Woodford county, which they may select, through or near the town of Versailles, to Lexington; and for the purpose of determining the route of the said railroad, the engineers, or other agents of the company, shall have the right, without hindrance from the land-owners, to enter upon and pass to and fro upon any lands upon the proposed route of said road, for the purpose of surveying the same. No action for trespass or other injury done or permitted by the said engineers or agents upon the lands or other property of the land-owners, shall be allowed to operate as an estoppel upon the work of surveying the route during the pendency of said action; but the railroad company shall be responsible for all damages done by its engineers or other agents to the premises or other property of any land-owner or lessee of any lands through which the route of said railroad may be surveyed, whether such damages resulted from the discharge of their proper duties or otherwise. The said railroad company shall have the power to acquire the right of way upon the route which may be selected, not exceeding sixty-six feet in width, except in cases where an engineer of the company shall certify under oath that a greater width is necessary for the proper and convenient construction of said railroad, either by gift or purchase, upon such terms as may be agreed upon between the board of directors and the land-owner; it being understood that the term "right of way" shall include the necessary land

Vested powers.

Actions for trespass, &c., not to stop surveys during pendency of same.

Company responsible for damages done by engineers, &c., during surveys.

Right of way.

What the term "right of way" shall include.

1871. for side-tracks, depots, stock-lots, warehouses, turn-tables, engine-houses, machine shops, water-tanks, reservoirs for supplying the same, with the right to construct aqueducts of any form or plan that may be necessary to convey the water from the reservoir to the water-tanks. The said term of "right of way" shall also include the land outside of the sixty-six feet, which may be required at any point for barrowing material to construct the road-bed, and also for wasting the surplus material from the cuts; also the right to quarry stone upon any lands in the vicinity of the railroad line, or convenient for the same, whether they belong to any tract through which the said road may pass or not.

Assessing damages for right of way and materials.

§ 8. In cases where the terms for the conveyance of the right of way cannot be agreed upon between the land-owner and the board of directors (or if the owner be a *feme covert*, or a minor, or *non compos mentis*, or out of the county), it shall be the duty of any justice of the peace of the county in which the land may lie, to whom either party shall apply, to order the sheriff or constable to summon—on a day not less than ten or more than twenty days thereafter, and the place to be named in said order, notice whereof shall be given to both parties—a pannel of twenty discreet men, not related to the land-owner, nor owning lands through which the said railroad may be located, to meet at any convenient place near the property; from which list each party shall have the right to strike off four names, and the remainder shall form a jury to assess the value of the property sought to be taken for the use of the railroad company, and the damages to the land-owner resulting from such use and appropriation of the same. The jury, first being sworn by the sheriff or constable summoning them to try the issue presented to them fairly and impartially, shall proceed to view the property to be assessed, and after hearing and considering all the evidence before them, shall render a verdict in accordance with the facts; which said verdict shall be in writing, and shall set forth the value and quantity of the land proposed to be taken for the permanent occupancy of the railroad company, if any; and the value of material, if any, proposed to be taken from land not to be occupied by the company permanently; and in assessing the value of the land to be taken permanently, the verdict shall cover the full value of the land so taken; but in determining the damages to the adjoining lands, caused by the construction of said railroad, they shall have the right to offset the advantages resulting to said land-owner from said railroad when finished, if such they think there will be: *Provided*, That in case any of the twenty men first summoned fail to

Assessing damages for right of way.

attend at the time and place directed, it shall be the duty of the sheriff or constable to forthwith summon other men of like qualifications in their stead, and to proceed with the trial as hereinbefore directed, and the sheriff or constable shall have the right to adjourn the trial from day to day, until a verdict is obtained, or the jury dismissed: *And provided further*, That if, after a reasonable time, the jury fail to agree upon a verdict, the officer in charge may dismiss them, when it shall be his duty forthwith to summon a new jury and proceed as before.

1871.

§ 10. That when the jury empaneled to assess damages to land-owner shall have rendered a verdict, they shall sign it and deliver it to the officer in charge, who shall return it to the clerk of the circuit court of his county, by whom it shall be filed, and presented for confirmation at the first session of the circuit court thereafter, before which the said verdict may be traversed by either party; if confirmed, it shall be recorded at the expense of the railroad company; and upon the tender to the sheriff of the amount of the verdict by the said railroad company, the title to the land or other property assessed shall pass to the said railroad company; but if the verdict so presented shall be set aside by the circuit court, the said court shall order another inquisition to be held by the sheriff of the county in the manner before directed: *Provided*, That at all times, as well before as after the institution of legal proceedings to acquire the right of way, as hereinbefore directed, the railroad company shall have the right to commence and prosecute the work of surveying and constructing their road; and their engineers and contractors shall have free ingress and egress to and from the public roads to their work over the line of said road, or through the adjoining lands, as may be most convenient; but the said railroad company shall be responsible for all damages caused to the land, fencing, crops, buildings, or stock (by injury or loss), by any of their engineers, agents, contractors, or their employees, whether such injuries losses, or damages result from necessity, carelessness, or wantonness, the same to be ascertained and recovered by the verdict of a jury, to be empaneled to try the case as before provided in this act, unless the parties agree upon terms: *Provided*, That claims for alleged damages be brought to the notice of the president of said railroad company with reasonable promptness, so that the amount of the same may be retained out of any moneys due from said company to the person causing the damage.

What shall be done after verdict. How title to be made.

Work not to be stopped while trial is pending.

Notice of claims for damages caused by contractors, &c., to be given to the president promptly. Providing for a release of the subscription before made to the Elizabethtown, Lexington, and Big Sandy Railroad Company.

§ 11. The county court of Woodford county is hereby authorized and required, upon the written application of a majority of the commissioners named in this act, who may act, or of a majority of the board of directors, their suc-

1871. cessors, to hold an election in accordance with the provisions of section 12 of this act, to take the sense of the qualified voters of said county upon the question whether the said court shall subscribe to the capital stock of the Woodford Railroad Company a sum to be named by said commissioners or board of directors, in their written application, not exceeding \$400,000; the same to be paid in money or current bank notes, in installments payable at certain intervals, to be also fixed in said application, or in the bonds of said county, with coupons attached, and bearing interest not exceeding eight per cent., payable semi-annually, and due thirty years after date, as the said commissioners or board of directors may, in their written application, designate, with the condition that if a majority of said qualified voters acting vote in favor of such subscription to the said Woodford Railroad Company, then the said county of Woodford shall be forever released from all obligation to pay the sum of \$400,000, heretofore—towit: on the 1st day of May, 1849—voted by said county, to be subscribed upon certain conditions to the capital stock of the Elizabethtown, Lexington, and Big Sandy Railroad Company. If a majority of the votes cast at such elections be in favor of such subscription to the Woodford Railroad Company, then the said county of Woodford shall be forever released from the subscription heretofore voted to the said Elizabethtown, Lexington, and Big Sandy Railroad Company, and it shall be the duty of the county court of Woodford county to subscribe the sum voted upon to the capital stock of said Woodford Railroad Company, and take the necessary steps to assess, collect, and pay over to the authorized agent of the board of directors of said railroad the sum subscribed according to the conditions of the proposition voted upon, if, by those conditions, it is payable in money or current bank notes, or to issue and deliver to the proper agent the bonds of said county, if payable in bonds, in sums of one hundred and one thousand dollars, as may be designated by said commissioners or board of directors, the said bonds conforming in their tenor to the conditions of the proposition voted upon; and it shall be the further duty of said county court to provide for the payment of the interest on said bonds as it becomes due, and to pay the principal at maturity, by levying in due time a tax sufficient to pay the interest, and provide a sinking fund sufficient to pay the principal of the bonds when they become due. But if the majority of the votes cast at such election be against the proposition voted upon, then the said subscription of \$400,000, heretofore voted to be subscribed to the Elizabethtown, Lexington, and Big Sandy Railroad Company, shall remain as valid and binding upon said county as if this act had

never been passed: *Provided, however,* That before the release from the Elizabethtown, Lexington, and Big Sandy subscription shall be binding, an order of the board of directors of said railroad company, assenting to such release, shall be filed for record with the clerk of the county court of Woodford county: *And provided further,* That nothing in this act shall be construed to affect or impair any of the rights, interest, or franchises, conferred or created by the act to incorporate the Elizabethtown, Lexington, and Big Sandy Railroad Company, or by the amendments thereto, except as is provided in this section.

1871.

Requiring the consent of the Elizabethtown, Lexington, and Big Sandy Railroad Company.

§ 12. Any corporate town, city, or county, or any voting district of any county, through or near which the said Woodford Railroad shall be located, is hereby authorized to subscribe such a sum as it may desire to the capital stock of said company; and to ascertain the will of the people of such corporations or districts, the board of trustees of such town, or the mayor and council of such city, or the county court of such county, upon the written request of the board of directors of said railroad company, may, in their discretion, order and hold an election, to take a vote upon a proposition to be submitted by the said board of directors, which proposition shall state the amount of the subscription desired, with the conditions of the same. These elections, and all others authorized by this act, shall be held in the same manner as elections for corporation officers, and the returns shall be made, and the record preserved in the same way as in such elections. Should a majority of the votes cast be in favor of the proposition voted upon, then the corporate authorities ordering such an election shall take the steps prescribed in section 11 of this act for paying the subscription; but in case the subscription is made by an election district, in which case the county court shall order the election (the same to be held and returns made as in an election for the whole county), only the property of that district shall be taxed to pay the same; and the county court shall levy an especial tax upon such district for this purpose, at such times and at such rates as may be necessary to comply with the conditions of the subscription; and if the subscription of any election district shall be payable in the bonds of the county in which such district may be, then the county court are hereby authorized and required to cause to be printed a form of county bond, which shall show upon its face the district which may be responsible for the interest and principal of such bond, and pay over the same to the board of directors of said Woodford Railroad Company, or to their agents; and shall take the same steps for providing for the payment of

Authorizing any town, city, county, or voting district to subscribe to road, with the conditions.

How elections shall be held.

Elections in election districts.

How subscriptions in election districts shall be paid.

1871. censors, to hold an election in accordance with the provisions of section 12 of this act, to take the sense of the qualified voters of said county upon the question whether the said court shall subscribe to the capital stock of the Woodford Railroad Company a sum to be named by said commissioners or board of directors, in their written application, not exceeding \$400,000; the same to be paid in money or current bank notes, in installments payable at certain intervals, to be also fixed in said application, or in the bonds of said county, with coupons attached, and bearing interest not exceeding eight per cent., payable semi-annually, and due thirty years after date, as the said commissioners or board of directors may, in their written application, designate, with the condition that if a majority of said qualified voters acting vote in favor of such subscription to the said Woodford Railroad Company, then the said county of Woodford shall be forever released from all obligation to pay the sum of \$400,000, heretofore—to-wit: on the 1st day of May, 1849—voted by said county, to be subscribed upon certain conditions to the capital stock of the Elizabethtown, Lexington, and Big Sandy Railroad Company. If a majority of the votes cast at such elections be in favor of such subscription to the Woodford Railroad Company, then the said county of Woodford shall be forever released from the subscription heretofore voted to the said Elizabethtown, Lexington, and Big Sandy Railroad Company, and it shall be the duty of the county court of Woodford county to subscribe the sum voted upon to the capital stock of said Woodford Railroad Company, and take the necessary steps to assess, collect, and pay over to the authorized agent of the board of directors of said railroad the sum subscribed according to the conditions of the proposition voted upon, if, by those conditions, it is payable in money or current bank notes, or to issue and deliver to the proper agent the bonds of said county, if payable in bonds, in sums of one hundred and one thousand dollars, as may be designated by said commissioners or board of directors, the said bonds conforming in their tenor to the conditions of the proposition voted upon; and it shall be the further duty of said county court to provide for the payment of the interest on said bonds as it becomes due, and to pay the principal at maturity, by levying in due time a tax sufficient to pay the interest, and provide a sinking fund sufficient to pay the principal of the bonds when they become due. But if the majority of the votes cast at such election be against the proposition voted upon, then the said subscription of \$400,000, heretofore voted to be subscribed to the Elizabethtown, Lexington, and Big Sandy Railroad Company, shall remain as valid and binding upon said county as if this act had

never been passed: *Provided, however,* That before the release from the Elizabethtown, Lexington, and Big Sandy subscription shall be binding, an order of the board of directors of said railroad company, assenting to such release, shall be filed for record with the clerk of the county court of Woodford county: *And provided further,* That nothing in this act shall be construed to affect or impair any of the rights, interest, or franchises, conferred or created by the act to incorporate the Elizabethtown, Lexington, and Big Sandy Railroad Company, or by the amendments thereto, except as is provided in this section.

1871.

Requiring the consent of the Elizabethtown, Lexington, and Big Sandy Railroad Company.

§ 12. Any corporate town, city, or county, or any voting district of any county, through or near which the said Woodford Railroad shall be located, is hereby authorized to subscribe such a sum as it may desire to the capital stock of said company; and to ascertain the will of the people of such corporations or districts, the board of trustees of such town, or the mayor and council of such city, or the county court of such county, upon the written request of the board of directors of said railroad company, may, in their discretion, order and hold an election, to take a vote upon a proposition to be submitted by the said board of directors, which proposition shall state the amount of the subscription desired, with the conditions of the same. These elections, and all others authorized by this act, shall be held in the same manner as elections for corporation officers, and the returns shall be made, and the record preserved in the same way as in such elections. Should a majority of the votes cast be in favor of the proposition voted upon, then the corporate authorities ordering such an election shall take the steps prescribed in section 11 of this act for paying the subscription; but in case the subscription is made by an election district, in which case the county court shall order the election (the same to be held and returns made as in an election for the whole county), only the property of that district shall be taxed to pay the same; and the county court shall levy an especial tax upon such district for this purpose, at such times and at such rates as may be necessary to comply with the conditions of the subscription; and if the subscription of any election district shall be payable in the bonds of the county in which such district may be, then the county court are hereby authorized and required to cause to be printed a form of county bond, which shall show upon its face the district which may be responsible for the interest and principal of such bond, and pay over the same to the board of directors of said Woodford Railroad Company, or to their agents; and shall take the same steps for providing for the payment of

Authorizing any town, city, county, or voting district to subscribe to road, with the conditions.

How elections shall be held.

Elections in election districts.

How subscriptions in election districts shall be paid.

1871. through, any county adjoining Woodford county, and construct a bridge across the Kentucky river, provided such bridge shall not have shorter spans or less elevation above the low water mark of said river than the railroad bridge at Frankfort; and all the provisions of this act shall be as applicable to the construction of said branches as to the main road.

§ 18. The Woodford Railroad Company shall have the right to lease or sell said road, and its appurtenances, rights, and franchises, or to consolidate with any other road with which it may connect, on such terms as may be agreed upon: *Provided*, That before such lease, sale, or consolidation shall be valid, it shall be approved by a majority of the stockholders in general meeting assembled, as is provided in this act.

§ 19. The General Assembly hereby reserves the right to alter or amend this act, and to regulate by general laws the rates of charges for the transportation of freight and passengers over said road, and any branches that may be constructed by said company.

§ 20. This act to take effect from and after its passage.

Approved March 13, 1871.

CHAPTER 1512.

AN ACT to amend an act, entitled "An act to incorporate a Savings and Deposit Bank in Elkton, in Todd County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the second Monday in January, 1871, the Bank of Elkton shall be under the control and management of three directors instead of five, as provided in the act to which this is an amendment.

§ 2. That if any of the present directors of said bank should resign or die before the second Monday in January, 1871, it shall not be required or necessary to fill the vacancy by the appointment or election of others, unless more than two of them should so resign or die.

§ 3. Any stockholder of said bank residing in this State, and who may hold and own as many as five shares of the capital stock of said bank, shall be eligible to the position of director thereof.

§ 4. It shall be lawful for said bank to buy in its own stock in satisfaction or payment of any debt, judgment, decree, or otherwise, and may resell the same; but shall not be required so to do unless, at the time, the capital stock paid in is less than one hundred and fifty shares.

§ 5. It shall be lawful for the directors of said bank, by and with the consent of a majority of the stockholders

§ 15. In all meetings of the stockholders of said railroad company, the corporation which may have subscribed to the capital stock of said company shall be represented by a proxy, appointed by a majority of the members of such corporation, and such proxy shall represent a number of shares of stock equal to the original subscription of such corporation, diminished by the number of shares issued by the president of said company in taking up the collector's tax receipts, as is provided in the preceding section; and in order to ascertain the number of shares such proxy may be entitled to vote, it is hereby made the duty of said president to return, under oath or affirmation, a list of such shares as he may have issued certificates for, showing the names of the parties to whom issued, at least two days before that appointed for any meeting of the stockholders.

1871.

§ 16. It shall be the duty of the corporate authorities of any corporation, which shall issue bonds in payment of any subscription it may make to the capital stock of said Woodford Railroad Company, as provided in this act, to appoint three discreet men, to be styled Commissioners of the Railroad Sinking Fund, who shall give bond, with satisfactory security, conditioned for the faithful performance of the duties herein imposed upon them, payable to the said corporation for the benefit of said railroad company, whose duties shall be to receive from the officer or agent collecting the tax to provide for the payment of the interest and principal of such bonds all moneys collected by him, and safely to keep the same; and when due, to pay the interest of such bonds, and to invest the sums devoted to the payment of the principal of such bonds, in the bonds of said Woodford county, and such other securities as the corporate authorities issuing such bonds may from time to time direct. Said commissioners shall make a clear and full report of the sums of money which may come into their hands, showing the amount collected, the amount of cash on hand, and how the balance is invested, in detail, with the interest each separate sum is drawing, at such times as may be appointed by the authorities appointing them. It shall be the duty of such corporate authorities to cause such reports to be verified by a committee of their own body, who shall report, after investigation, whether any part of such funds are, in their opinion, unsafely or injudiciously invested; and such corporate authorities may, in their discretion, direct that such funds be called in as soon as it can be legally done, and reinvested.

§ 17. The said Woodford Railroad Company shall have the right to build branches to connect with any other railroads existing in, or which hereafter may be constructed

1871. be embraced in said city, shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees, elected by the citizens of said city, as hereinafter directed.

§ 2. The persons so elected from each ward of said city shall constitute and be styled "The Board of Trustees of the Owensboro Public Schools;" and by that name shall be known as a body-politic and corporate; and may sue and be sued, contract and be contracted with; may buy and sell and convey real and personal estate; and the title to all school property in said district shall vest in said board and their successors forever.

§ 3. The number of school trustees from each ward shall be three, to be elected for a period of two years, and at the same time and place that city councilmen are elected.

§ 4. The "Trustees of the Owensboro Public Schools" shall not be entitled to any compensation for their services.

§ 5. The said trustees so elected shall take an oath faithfully to discharge their duties; and shall, within one month after their election, meet and organize. The mayor of the city shall be the president of said board. In case of his absence or inability to act, a majority of said board shall elect one of their number as chairman, to preside and discharge the duties of president *pro tempore*.

§ 6. The clerk and treasurer of said city shall be clerk and treasurer of "The Board of Trustees of Owensboro Public Schools," who shall hold their offices until their successors are appointed and qualified, and shall perform such duties as generally pertain to the positions of clerk and treasurer, and all such duties as may be prescribed by the said board.

§ 7. Said trustees shall, at their first regular meeting, divide themselves into two classes, so that each ward shall have a member in each class. They shall then determine by lot which class shall hold their office for one year, and which for two years, which decision shall be recorded in their journal, and the term of office of each class shall expire upon the day so decided: *Provided*, That said trustees shall always hold their office until their successors are duly elected and qualified: *And provided further*, That when a new ward shall be formed in the city, and it is determined to organize and establish a public school in said new ward, then said ward shall be entitled to the same representation as the other wards, and to be elected at the same time, and divided into classes as hereinbefore stated. All vacancies in said board shall be filled by election by the said city council of Owensboro, and the person or persons so elected shall hold his or their office until the next regular election; but no person shall at the same time be a

represented by stock, to remove said bank from Elkton, and to locate the same in any town or county in this State south of Green river; and said bank, in the place to which it may be removed, shall be allowed to do business with all the rights and privileges, and under the restrictions granted and contained in this act and the act to which this is an amendment.

1871.

§ 6. That the General Assembly reserves the right to repeal, alter, or amend this act and the act of which this is an amendment.

§ 7. That this act shall take effect and be in force from and after its passage.

Approved March 13, 1871.

CHAPTER 1513.

AN ACT authorizing the County Courts of Christian and Allen Counties to establish additional voting places in said Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county courts of Christian and Allen counties shall have power and authority to establish additional voting places in any of the precincts in said counties, and define and establish the boundaries thereof.

§ 2. This act shall take effect from its passage.

Approved March 13, 1871.

CHAPTER 1514.

AN ACT for the benefit of E. M. Flack, Sheriff of Todd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. M. Flack, sheriff of Todd county, be allowed to return his delinquent list for the year 1869 at the same time that he returns his delinquent list for the year 1870.

2. This act to be in force from its passage.

Approved March 13, 1871.

CHAPTER 1515.

AN ACT to organize and establish a system of Public Schools in the City of Owensboro for White Children in said City.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the territory now embraced within the limits of the city of Owensboro, or which may hereafter

137. It is enacted in said city, that he, and is hereby incorporated as a ~~trust~~ ~~trust~~ which shall be under the control and management of a board of trustees, elected by the citizens of said city, as hereinafter directed.

§ 2. The persons so elected from each ward of said city are ~~trustees~~ and be styled "The Board of Trustees of the Owensboro Public Schools;" and by that name shall be known as a body-politic and corporate; and may sue and be sued, contract and be contracted with; may buy and sell, and convey real and personal estate; and the title to all school property in said district shall vest in said board and their successors forever.

§ 3. The number of school trustees from each ward shall be three, to be elected for a period of two years, and at the same time and place that city councilmen are elected.

§ 4. The "Trustees of the Owensboro Public Schools" shall not be entitled to any compensation for their services.

§ 5. The said trustees so elected shall take an oath faithfully to discharge their duties; and shall, within one month after their election, meet and organize. The mayor of the city shall be the president of said board. In case of his absence or inability to act, a majority of said board shall elect one of their number as chairman, to preside and discharge the duties of president *pro tempore*.

§ 6. The clerk and treasurer of said city shall be clerk and treasurer of "The Board of Trustees of Owensboro Public Schools," who shall hold their offices until their successors are appointed and qualified, and shall perform such duties as generally pertain to the positions of clerk and treasurer, and all such duties as may be prescribed by the said board.

§ 7. Said trustees shall, at their first regular meeting, divide themselves into two classes, so that each ward shall have a member in each class. They shall then determine by lot which class shall hold their office for one year, and which for two years, which decision shall be recorded in their journal, and the term of office of each class shall expire upon the day so decided: *Provided*, That said trustees shall always hold their office until their successors are duly elected and qualified: *And provided further*, That when a new ward shall be formed in the city, and it is determined to organize and establish a public school in said new ward, then said ward shall be entitled to the same representation as the other wards, and to be elected at the same time, and divided into classes as hereinbefore stated. All vacancies in said board shall be filled by election by the said city council of Owensboro, and the person or persons so elected shall hold his or their office until the next regular election; but no person shall at the same time be a

member of said board and of the common council. Said trustees shall reside in the ward for which they are elected; and if any trustee shall remove from his ward after his election, his office shall be vacated, and such vacancy shall be filled as hereinbefore provided for.

1871.

§ 8. The control and management of the public schools of the city of Owensboro, and the property and funds belonging thereto, and which may accrue in any way to them, or for their establishment, management, or maintenance under this act or otherwise, shall be vested in the said board of trustees and their successors in office.

§ 9. The said board of trustees shall have power to make all by-laws and rules for the government of themselves and appointees, and for the dispatch of business, and for the management, control, and government of the schools.

§ 10. A majority of the members of said board shall constitute a quorum for the transaction of business. They shall meet at least once a month, and shall fix the time in each month of their meeting, and may meet as often as to them may seem necessary for the transaction of business. A majority of those present may transact any business except in the making of a contract for the purchase or sale of real estate, or for the erection of any building, or for the paying out of money, in which cases a majority of the entire board must concur; and the yeas and nays shall be polled and recorded in the journal.

§ 11. Said board shall cause to be kept a regular and correct journal of their proceedings in a well bound book, which shall at all times be open to the inspection of any citizen of Owensboro.

§ 12. The board of trustees shall appoint all teachers, and other persons necessary to successfully carry on said schools, and prescribe all rules for their government, and fix their compensation or salaries; and may dismiss or suspend any teacher or other person appointed by them; prescribe the branches of education to be taught in the schools, grade the schools and classes, and prescribe the necessary qualifications for, and the mode of examination of pupils or persons applying for admission to the schools. They shall provide class-books for the children whose parents are unable to purchase them.

§ 13. The German language shall be taught in all the public schools of Owensboro by competent German teachers.

§ 14. All white children over six years of age within each ward shall have equal right of admission to the schools of such ward, and no fees or charges for their tuition shall ever be charged in any of the schools; and

1871. it is expressly provided that only white children be admitted to said schools.

§ 15. No catechism or other form of religious belief shall be taught or inculcated in, nor shall any class-book be used or adopted for said schools, which reflects upon any religious denomination ; nor shall any school or class be so conducted as to interfere with the religious belief of parents or pupils.

§ 16. The treasurer, before entering upon his duties, shall execute a bond to the board of trustees, with good and ample sureties, to be approved of by said board of trustees, conditioned for the faithful performance of all his duties. The clerk shall attend all meetings of the board, keep their records and papers, and perform such other duties as may be required or prescribed by the said board of trustees. The treasurer shall receive and disburse the money belonging to the school fund ; keep accurate and true accounts in well-bound books of all his acts, and perform such other duties as may be required or prescribed by said board of trustees. The said clerk and treasurer shall receive for their services a salary to be fixed by the said board, and paid at such times as they may direct.

§ 17. The board of trustees shall, at the end of each scholastic year, make out a report in writing (which shall be published in the Owensboro newspapers), showing the number of pupils in each of the schools, and the condition and amount of property and funds belonging thereto, and such other information as the cause of public education requires.

§ 18. The mayor and common council of the city of Owensboro shall provide the funds for purchasing suitable grounds and for building the school-houses, and paying all expenses of said public schools ; and to this end it shall be the duty of the common council, and they are hereby authorized and empowered, to issue the bonds of the city of Owensboro to such amount as may be necessary to provide suitable grounds and school-houses ; but such amount shall not exceed thirty thousand dollars ; the said bonds may be of any denomination not exceeding one thousand dollars each, running not longer than thirty years, and bearing interest at any rate not exceeding ten per cent. per annum, payable semi-annually. The said bonds, in this section provided for, shall be made payable to bearer ; shall be signed by the mayor and attested by the clerk of said city, and shall pass by delivery, and shall be sold or discounted by the common council, or such person as they may authorize, for the best price they can get, or paid out for any building, or any other indebtedness created on account of such public schools ; and the com-

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mon council of the said city shall cause an annual tax to be levied and collected upon the same property in said city, as is taxed by the State for common school purposes, and the assessments to be made at the same time as required by law for the city revenue, to an amount sufficient to pay the interest on the said bonds and the principal when they fall due: *Provided*, That the tax so levied shall not exceed twenty-five cents on each one hundred dollars in any year; and there shall also be levied, annually, by the city council of Owensboro, a capitation tax not exceeding two dollars on each white male citizen in the city of Owensboro over twenty-one years of age. The city assessor shall make the assessments necessary for the fixing and collection of said taxes, under such provisions and rules as may be prescribed by the common council of the city; said taxes, and expenses of collecting the same, shall be collected by the city collector, at the direction of the common council, by levy, distress, or sale, in the same manner as the city revenue is collected; and the officer so collecting said tax shall, with his sureties, be responsible upon his official revenue bond for the faithful discharge of his duties, with such penalties as are now prescribed by law for delinquencies. This tax shall always be collected in money, and shall be separate from the city funds, and shall only be used in payment of the interest and principal of any of said bonds issued under this act: *Provided*, That the interest coupons upon any of said bonds, which coupons may be due, shall be taken in payment of the tax for the interest on said bonds; and any of said bonds themselves may be taken, by consent of the common council, in payment of any debt due the city for municipal purposes. The mayor and common council shall also cause to be levied and collected an annual tax, at the rate of not exceeding twenty cents upon each one hundred dollars' worth of the same property that is now taxed by the State for common school purposes, situated within the city, and the assessment to be made at the same time as required by law for the city revenue. This tax is to be called and known as a school tax, and is only payable in money, and is to be used exclusively for the purpose of defraying the yearly expenses of the said public schools, and is to be assessed and collected in like manner with the taxes hereinbefore mentioned: *Provided*, That only the property belonging to white persons shall be taxed for the purposes aforesaid.

§ 19. The funds arising from the collection of school tax shall be paid into the hands of the treasurer of the board of trustees by the collector, and his receipt taken for the same, by the first day of January in each year, or

1871. said collector shall be a delinquent, and liable to the same penalties as sheriffs or collectors of State revenue for failing to collect or pay over State revenue, and shall be proceeded against in the same way, except that the proceedings shall be in the name of the board of trustees, and in the Daviess circuit court. The execution upon any such judgment in the said court shall be directed to the sheriff of Daviess county, or to any officer the court may direct; and said sheriff or other officer shall collect and account for the same, and be responsible upon his bond as in other cases of executions placed in his hands.

§ 20. The funds arising from the sale of the said bonds shall also be paid into the school treasury; or the said bonds may be delivered to the said board of trustees, and by them used for the said buildings, either by cashing them or paying them to contractors and others, to whom the said board may be indebted. All moneys in the school treasury shall be under the control and management of the said board of trustees, and used by them for the sole purpose of said public schools, and purchase of property and erecting buildings therefor; and they shall not be used for any other school than those under the control of said board of trustees. If any of said trustees or the treasurer shall use or appropriate any of said funds to his own use, he shall be confined in the State Penitentiary not less than one nor more than five years.

§ 21. The commissioner or commissioners for common schools shall annually make an estimate of the share or proportion of the State common school fund which would be coming or due to the school district of Owensboro, if the boundaries of the city were taken as the boundary of such district; and shall annually pay over to the treasurer of the board of trustees, herein created, the full amount of such proportion or share, which shall be held and used by them as the other funds herein provided for.

§ 22. All lands within the boundary of the city which shall escheat, or in any way be forfeited to the Commonwealth, shall vest in the said board of trustees, to be used, held, and controlled by them as other property and funds.

§ 23. The board of trustees shall have the right to condemn any private property for school purposes, whenever, in their opinion, it shall be necessary, by first paying therefor, in money, its fair cash value, if such value can be fixed by agreement; if such value cannot be agreed, then, upon application of the board of trustees, the county court of Daviess county shall issue a writ of *ad quod damnum*, directed to the sheriff, to be executed and returned to said court as in cases of opening roads; and upon the return of said writ, duly executed, the said court shall adjudge the payment of said damage, and upon payment thereof

the court shall issue a writ requiring the sheriff to put the said board in possession of said lot; and thereupon the title to said lot shall vest in said board of trustees: *Provided*, They shall not have the right to condemn any private property which is used by the owner as a residence for himself or family. 1871.

§ 24. The board of trustees may admit into any of the schools white children, who are non-residents of the city of Owensboro, upon such terms and conditions, and upon payment of such charges, as to the said board may seem right.

§ 25. No person shall be allowed to vote at any election held under this act, who has not paid all taxes due from him under this act.

§ 26. This act shall take effect from and after its passage.

Approved March 13, 1871.

CHAPTER 1516.

AN ACT for the benefit of the Common School Districts in Clinton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims for Clinton county be, and it is hereby, authorized to convene on the first Monday in May, 1871, and levy a poll tax, not exceeding one dollar and fifty cents on each male white citizen over twenty-one years of age, in each school district in said county, not having a comfortable school-house, for the purpose of building a school-house in the same, or for repairing the old one; but the citizens of one district are not to be taxed for the benefit of another district.

§ 2. That the sheriff of said county shall collect the taxes levied under this act, and be accountable for the same on his county levy bond; and he will pay the amount due each district to the common school trustees thereof.

§ 3. That such levy may be made annually until a sufficient sum of money is raised to build a comfortable school-house, or repair the old one, to that extent in each district.

§ 4. That it is made the duty of the school commissioner of said county to report to said court the condition of the school-houses in said county.

§ 5. That this act take effect from its passage.

Approved March 13, 1871.

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CHAPTER 1517.

AN AOT to amend the Charter of the Board of Education of the Louisville Annual Conference of the M. E. Church, South, approved 25th January, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Board of Education of the Louisville Annual Conference of the Methodist Episcopal Church, South, may, by the vote of a majority of its members or managers in office, apply the annual interest or profits arising from the principal fund named in the original charter, towards paying the salaries of president, professors, and teachers of the college established at Millersburg, in this State, within the ecclesiastical jurisdiction, and under the management of the Kentucky Annual Conference of the Methodist Episcopal Church, South, upon such terms and conditions as said board may agree to.

§ 2. That said board may, by a vote of a majority of its members or managers in office, withdraw the application of said interest and profits of the principal fund from the objects contemplated and indicated by the first section of this amendment, and apply said interest and profits of said fund towards paying the salaries of president, professors, and teachers in any other college established or hereafter established within the ecclesiastical jurisdiction or boundary of either said Louisville or Kentucky Annual Conference of said church.

§ 3. That nothing in this act shall be construed to authorize the use of the principal of said education fund otherwise than directed by said charter.

§ 4. This act shall take effect from its passage.

Approved March 13, 1871.

CHAPTER 1518.

AN ACT for the benefit of School District No. 6, in Robertson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the trustees of school district No. 6, in Robertson county, shall have power to assess, levy, and collect a tax upon all the property of white persons living in the boundary of said district, not to exceed one per cent. on the value of the property listed by them to the assessor of said county for the year 1871, and two dollars per capita upon each white male citizen over twenty-one years of age, resident in said district, for the purpose of erecting a suitable school-house therein.

§ 2. Before levying said tax the trustees of said district shall hold an election at the present district school-house, giving ten days' previous notice of the same by notices posted in three of the most public places in the district of the time, place, and purpose of said election, when the sense of the qualified white voters of said district shall be taken in regard to the propriety of levying and collecting said tax; and if a majority of the persons voting at said election vote in favor of taxing the district for the purpose aforesaid, then the trustees of said district shall proceed to assess, levy, and collect said tax, to any amount within their discretion, but not to exceed the amount hereinbefore mentioned.

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§ 3. The trustees of said district shall have the power to appoint a collector to collect said tax, agree with him as to compensation, and pay the same out of the amount collected under this act.

§ 4. Said tax, if voted by the citizens of said district, as hereinbefore provided, may be assessed, levied, and collected immediately thereafter, and may be collected as other taxes are now collected.

§ 5. This act to take effect from and after its passage.

Approved March 13, 1871.

CHAPTER 1519.

AN ACT to require Turnpike Road Companies, in Lewis County, to make annual settlements with the County Judge.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of all turnpike road companies in the county of Lewis, or operating therein, shall annually, on the first day of June, or the day after if said day shall fall on Sunday, in each year, make a full settlement with the county judge of Lewis county, showing the gross amount which have come to their hands from all sources from the operations of said roads within said county, particularizing the amount from different sources; and they shall show how they have used and disposed of the same; and they shall produce and file vouchers for each and every amount used and paid out by them, signed by the person or persons to whom it is paid, or his or their authorized agent. The first settlement under this act shall show the whole amount of gross assets which have come into the hands of said companies from the commencement of the works, and how the same has been expended, as herein set forth. The county judge of said county shall return said settlements so made by him to the clerk of the county court of

1871. Lewis county, who shall record the same in a book to be kept by him.

§ 2. The county judge and clerk shall receive the same compensation for the making and recording said settlements as they now receive for making and recording settlements of deceased estates, to be paid by the companies.

§ 3. This act shall take effect from its passage.

Approved March 13, 1871.

CHAPTER 1520.

AN ACT to regulate the Collection of Tolls on such parts of the Russell Turnpike Road, in Fayette County, and the Centerville and Jacksonville Turnpike Road, as are now without gates.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the Russell Turnpike Road Company, of Fayette county, and the Centerville and Jacksonville Turnpike Road Company, to erect a gate on the road of either company near the junction of said roads: *Provided*, That said gate be not located more than one and a quarter miles ($1\frac{1}{4}$ miles) from the said junction, measured on the Centerville and Jacksonville road, or two and three quarter ($2\frac{3}{4}$) miles, measured from said junction, on the Russell Turnpike Road.

§ 2. It shall be lawful for said companies to collect at such gate tolls at rates not exceeding the lowest rates on either of said roads as now fixed by law.

§ 3. Before any such gate shall be established, the said companies shall, by proper agreement, signed in duplicate, copies of which shall be exchanged, agree to establish and maintain said gate, toll-house, and gate-keeper at the joint expense of the said companies, and to divide such expense and outlay between them, and likewise to divide the receipts of said gate; such division of expenses and receipts shall be in the proportion of ($2\frac{3}{4}$) two and three quarters parts for the Russell Turnpike Road and one and one quarter ($1\frac{1}{4}$) part for the Centerville and Jacksonville Turnpike Road.

§ 4. That an act, entitled "An act to consolidate the Russell Turnpike Road, of Fayette county, with the Centerville and Jacksonville Turnpike Road Company," approved the 22d February, 1870, be, and the same is hereby, repealed.

§ 5. This act to be in force from its passage.

Approved March 13, 1871.

CHAPTER 1521.

1871.

AN ACT to incorporate the Frenchburg and Jeffersonville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be formed under the name and style of the Frenchburg and Jeffersonville Turnpike Road Company, for the purpose of making a turnpike road from Frenchburg, in Menifee county, to Jeffersonville, in Montgomery county, running in or as near the bed of the old road as can conveniently be done; and that the capital stock of said company shall be as many shares, at fifty dollars each, as will be necessary to make said road.

§ 2. That books for subscription of stock in said company shall be opened on the first day of March, 1871, or at any other time thereafter as may be deemed expedient, in Mt. Sterling, under the direction of William Little, and at Frenchburg under the direction of Judge W. S. Pearce, John Phelps, George W. McCormack, B. F. Day, and Wm. T. Hern, who are appointed commissioners. The subscribers shall enter into the obligations set out in the second section of the act incorporating the Mt. Sterling and Howard's Mills Turnpike Road Company, approved March 5th, 1850; and the remainder of said section two, and the other sections of said act, to section eighteen, are hereby declared as the charter of the company incorporated by this act.

§ 3. This act to take effect from its passage.

Approved March 13, 1871.

CHAPTER 1522.

AN ACT to amend an act, entitled "An act to amend and re-enact an act to authorize Common School District No. 7, in Washington county, to levy a tax for school purposes, approved March 11th, 1867," approved 3d February, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in pursuance of the vote under the acts named in the caption of this act, in which a majority of the voters of common school district No. 7, of Washington county, did vote to levy the tax as provided by said acts, which vote is hereby legalized, it shall be the duty of the trustees of said district to levy a tax on the property situated within said district, and subject to taxation for State revenue, except on cash and cash notes, not exceeding the amount named in said acts, and apply the same to buying a lot of ground not exceeding one acre,

1871. and building thereon a good common school-house: *Provided*, That the same shall be within one half mile of the court-house in Springfield; the same may be situated outside of the town limits of said town.

§ 2. That the said trustees shall, after the commissioner of tax for Washington county has returned his commissioner's book for 1871 to the Washington county court clerk's office, said trustees shall procure from said clerk a copy of the property and persons liable for tax, as provided by this act, and leave the same for collection with the sheriff of Washington county, for the collection of said tax, who shall have the same power to collect and distrain for said tax that he has in the collection of State revenue, and shall pay the same over to the said trustees on or before the first Monday in September, 1871; and he and his securities in his official bond shall be bound for the same; and for any misfeasance or non-feasance in said collection or non-payment of said tax, suit may be brought on said bond in the name of the common school commissioner for Washington county, for the benefit of said district: *Provided further*, Said trustees shall have the power to collect said tax in one or two years, as they may deem best.

§ 3. That before said trustees shall receive any part of said tax, they shall execute bond before the county court, with good security, and conditioned faithfully to apply said tax according to this and said acts. The bond shall be made payable to the Commonwealth.

§ 4. This act shall take effect from its passage.

Approved March 13, 1871.

CHAPTER 1523.

AN ACT to incorporate the Maux Branch Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated, for the purpose of making a macadamized road, from the Maysville and Mt. Sterling Turnpike, at a point between Poplar Grove Church and Vanarsdell's blacksmith shop, to the Owingsville, Bald Eagle, and Sharpsburg Turnpike, at a point between Bald Eagle Church and the mouth of Bald Eagle creek. The capital stock of said company shall not exceed fifteen thousand dollars, divided into shares of fifty dollars each. The company shall be known as the Maux Branch Turnpike Road Company; and by that name shall sue and be sued, and transact all the business, and exercise all the powers usually granted and conferred on turnpike companies in this Commonwealth.

§ 2. The following persons are hereby appointed commissioners to open books for subscription to said turnpike road, viz: Caleb Ratliff, jr., Jacob F. Trumbo, L. M. Stone, and James Whaley, jr., and any one of them may act for that purpose. 1871.

§ 3. That so soon as five thousand dollars shall have been subscribed by individuals or corporations, the commissioners shall, having given ten days' notice thereof in two or more public places in the vicinity of the route proposed, call a meeting of the stockholders, who shall, by vote or proxy, elect a president and four directors, who shall have authority to elect a treasurer, secretary, and any other needful officers for said company; the treasurer to be required to give bond for the faithful discharge of his duties. The president and directors, and such officers as they may elect, shall hold their offices until the first Monday in June after their first election, and shall be elected on that day annually thereafter; but said officers shall hold their offices till their respective successors are elected and qualified; they shall, as soon as necessary, proceed to locate said road; and they are authorized to receive the written release of the right of way from those over whose lands the road may run.

§ 4. That said road shall be opened not less than thirty-five feet or exceeding forty feet wide; and the grade shall not be less than twenty-two feet, and the metal shall not be less than sixteen feet wide. The president and directors may widen the grade if they choose to twenty-eight feet, and widen the metal to twenty-two feet.

§ 5. That when said road is completed, the said company may erect a toll-gate and collect full toll thereat, though the road be less than five miles.

§ 6. That said company shall have all the powers and privileges granted to the Owingsville and McIntyre's Ferry Turnpike Company, and not inconsistent herewith.

§ 7. This act shall take effect from its passage.

Approved March 13, 1871.

CHAPTER 1524.

AN ACT for the benefit of Mrs. Russell Kavanaugh, widow of the late Judge G. W. Kavanaugh.

WHEREAS, The late Judge G. W. Kavanaugh departed this life on the 18th day of November, 1870, while engaged upon his circuit as judge of the seventh judicial district, leaving his family in a destitute and dependent condition; and whereas, there was a vacancy in said district from the death of Judge Kavanaugh to the 21st day of January,

1871. it is expressly provided that only white children be admitted to said schools.

§ 15. No catechism or other form of religious belief shall be taught or inculcated in, nor shall any class-book be used or adopted for said schools, which reflects upon any religious denomination; nor shall any school or class be so conducted as to interfere with the religious belief of parents or pupils.

§ 16. The treasurer, before entering upon his duties, shall execute a bond to the board of trustees, with good and ample sureties, to be approved of by said board of trustees, conditioned for the faithful performance of all his duties. The clerk shall attend all meetings of the board, keep their records and papers, and perform such other duties as may be required or prescribed by the said board of trustees. The treasurer shall receive and disburse the money belonging to the school fund; keep accurate and true accounts in well-bound books of all his acts, and perform such other duties as may be required or prescribed by said board of trustees. The said clerk and treasurer shall receive for their services a salary to be fixed by the said board, and paid at such times as they may direct.

§ 17. The board of trustees shall, at the end of each scholastic year, make out a report in writing (which shall be published in the Owensboro newspapers), showing the number of pupils in each of the schools, and the condition and amount of property and funds belonging thereto, and such other information as the cause of public education requires.

§ 18. The mayor and common council of the city of Owensboro shall provide the funds for purchasing suitable grounds and for building the school-houses, and paying all expenses of said public schools; and to this end it shall be the duty of the common council, and they are hereby authorized and empowered, to issue the bonds of the city of Owensboro to such amount as may be necessary to provide suitable grounds and school-houses; but such amount shall not exceed thirty thousand dollars; the said bonds may be of any denomination not exceeding one thousand dollars each, running not longer than thirty years, and bearing interest at any rate not exceeding ten per cent. per annum, payable semi-annually. The said bonds, in this section provided for, shall be made payable to bearer; shall be signed by the mayor and attested by the clerk of said city, and shall pass by delivery, and shall be sold or discounted by the common council, or such person as they may authorize, for the best price they can get, or paid out for any building, or any other indebtedness created on account of such public schools; and the com-

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mon council of the said city shall cause an annual tax to be levied and collected upon the same property in said city, as is taxed by the State for common school purposes, and the assessments to be made at the same time as required by law for the city revenue, to an amount sufficient to pay the interest on the said bonds and the principal when they fall due: *Provided*, That the tax so levied shall not exceed twenty-five cents on each one hundred dollars in any year; and there shall also be levied, annually, by the city council of Owensboro, a capitation tax not exceeding two dollars on each white male citizen in the city of Owensboro over twenty-one years of age. The city assessor shall make the assessments necessary for the fixing and collection of said taxes, under such provisions and rules as may be prescribed by the common council of the city; said taxes, and expenses of collecting the same, shall be collected by the city collector, at the direction of the common council, by levy, distress, or sale, in the same manner as the city revenue is collected; and the officer so collecting said tax shall, with his sureties, be responsible upon his official revenue bond for the faithful discharge of his duties, with such penalties as are now prescribed by law for delinquencies. This tax shall always be collected in money, and shall be separate from the city funds, and shall only be used in payment of the interest and principal of any of said bonds issued under this act: *Provided*, That the interest coupons upon any of said bonds, which coupons may be due, shall be taken in payment of the tax for the interest on said bonds; and any of said bonds themselves may be taken, by consent of the common council, in payment of any debt due the city for municipal purposes. The mayor and common council shall also cause to be levied and collected an annual tax, at the rate of not exceeding twenty cents upon each one hundred dollars' worth of the same property that is now taxed by the State for common school purposes, situated within the city, and the assessment to be made at the same time as required by law for the city revenue. This tax is to be called and known as a school tax, and is only payable in money, and is to be used exclusively for the purpose of defraying the yearly expenses of the said public schools, and is to be assessed and collected in like manner with the taxes hereinbefore mentioned: *Provided*, That only the property belonging to white persons shall be taxed for the purposes aforesaid.

§ 19. The funds arising from the collection of school tax shall be paid into the hands of the treasurer of the board of trustees by the collector, and his receipt taken for the same, by the first day of January in each year, or

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cessors, to hold an election in accordance with the provisions of section 12 of this act, to take the sense of the qualified voters of said county upon the question whether the said court shall subscribe to the capital stock of the Woodford Railroad Company a sum to be named by said commissioners or board of directors, in their written application, not exceeding \$400,000; the same to be paid in money or current bank notes, in installments payable at certain intervals, to be also fixed in said application, or in the bonds of said county, with coupons attached, and bearing interest not exceeding eight per cent., payable semi-annually, and due thirty years after date, as the said commissioners or board of directors may, in their written application, designate, with the condition that if a majority of said qualified voters acting vote in favor of such subscription to the said Woodford Railroad Company, then the said county of Woodford shall be forever released from all obligation to pay the sum of \$400,000, heretofore—towit: on the 1st day of May, 1849—voted by said county, to be subscribed upon certain conditions to the capital stock of the Elizabethtown, Lexington, and Big Sandy Railroad Company. If a majority of the votes cast at such elections be in favor of such subscription to the Woodford Railroad Company, then the said county of Woodford shall be forever released from the subscription heretofore voted to the said Elizabethtown, Lexington, and Big Sandy Railroad Company, and it shall be the duty of the county court of Woodford county to subscribe the sum voted upon to the capital stock of said Woodford Railroad Company, and take the necessary steps to assess, collect, and pay over to the authorized agent of the board of directors of said railroad the sum subscribed according to the conditions of the proposition voted upon, if, by those conditions, it is payable in money or current bank notes, or to issue and deliver to the proper agent the bonds of said county, if payable in bonds, in sums of one hundred and one thousand dollars, as may be designated by said commissioners or board of directors, the said bonds conforming in their tenor to the conditions of the proposition voted upon; and it shall be the further duty of said county court to provide for the payment of the interest on said bonds as it becomes due, and to pay the principal at maturity, by levying in due time a tax sufficient to pay the interest, and provide a sinking fund sufficient to pay the principal of the bonds when they become due. But if the majority of the votes cast at such election be against the proposition voted upon, then the said subscription of \$400,000, heretofore voted to be subscribed to the Elizabethtown, Lexington, and Big Sandy Railroad Company, shall remain as valid and binding upon said county as if this act had

never been passed: *Provided, however,* That before the release from the Elizabethtown, Lexington, and Big Sandy subscription shall be binding, an order of the board of directors of said railroad company, assenting to such release, shall be filed for record with the clerk of the county court of Woodford county: *And provided further,* That nothing in this act shall be construed to affect or impair any of the rights, interest, or franchises, conferred or created by the act to incorporate the Elizabethtown, Lexington, and Big Sandy Railroad Company, or by the amendments thereto, except as is provided in this section.

1871.

Requiring the consent of the Elizabethtown, Lexington, and Big Sandy Railroad Company.

§ 12. Any corporate town, city, or county, or any voting district of any county, through or near which the said Woodford Railroad shall be located, is hereby authorized to subscribe such a sum as it may desire to the capital stock of said company; and to ascertain the will of the people of such corporations or districts, the board of trustees of such town, or the mayor and council of such city, or the county court of such county, upon the written request of the board of directors of said railroad company, may, in their discretion, order and hold an election, to take a vote upon a proposition to be submitted by the said board of directors, which proposition shall state the amount of the subscription desired, with the conditions of the same. These elections, and all others authorized by this act, shall be held in the same manner as elections for corporation officers, and the returns shall be made, and the record preserved in the same way as in such elections. Should a majority of the votes cast be in favor of the proposition voted upon, then the corporate authorities ordering such an election shall take the steps prescribed in section 11 of this act for paying the subscription; but in case the subscription is made by an election district, in which case the county court shall order the election (the same to be held and returns made as in an election for the whole county), only the property of that district shall be taxed to pay the same; and the county court shall levy an especial tax upon such district for this purpose, at such times and at such rates as may be necessary to comply with the conditions of the subscription; and if the subscription of any election district shall be payable in the bonds of the county in which such district may be, then the county court are hereby authorized and required to cause to be printed a form of county bond, which shall show upon its face the district which may be responsible for the interest and principal of such bond, and pay over the same to the board of directors of said Woodford Railroad Company, or to their agents; and shall take the same steps for providing for the payment of

Authorising any town, city, county, or voting district to subscribe to road, with the conditions.

How elections shall be held.

Elections in election districts.

How subscriptions in election districts shall be paid.

1871. all acts and things necessary for laying out and causing a survey of the most practicable route for said road, and for carrying on and completing the same.

§ 5. Said president and directors shall fix and regulate the grade and elevation of said road, the width or part thereof to be covered by stone or gravel, and the width or part thereof to be elevated and graded; they shall designate the place for the erection of gates, not exceeding one for every five miles of said road; and they may charge and receive the same tolls which are allowed by law to any other turnpike road of this State. The width of said road shall not exceed sixty feet, and the part covered with stone or gravel shall not be less than fifteen feet.

§ 6. The president and directors may call on the subscribers of stock for any portion of their stock subscribed, not exceeding one fourth of the total amount at a time, nor on shorter periods than three months after the first call; the first call of one fourth or less may be called for and payment enforced at any time after said board is organized, and until all the stock subscribed shall be paid in by the subscribers of stock, except as hereinafter provided.

§ 7. The president and directors shall deliver a certificate, signed by the president and countersigned by the treasurer, to each stockholder for the shares by him held, which certificate shall be transferable on the books of said board, according to the order in person or by attorney in fact of such stockholders; but no shares shall be transferred until all the calls or arrearages herein are paid. On the transfer of any share, the original or existing certificate shall be surrendered and a new one issued in the name of the purchaser thereof, who shall thereupon become one of the incorporators, and be entitled to all the rights, privileges, and benefits of the corporation generally.

§ 8. The president of the board may call meetings of the board at such times and places as he may think proper, and a majority of the directors shall be necessary for the transaction of business; said board shall keep a record of its proceedings, to be entered in a book, to be signed by the president or presiding officer; and they may adjourn from time to time, as may be necessary in the judgment of the board.

§ 9. The board of directors shall have power and authority to agree and contract with and appoint all such surveyors, engineers, superintendents, artists, and officers, as it shall judge necessary to act within the authority of the board, and to fix the pay and salaries thereof; to prescribe the time, manner, and proportions in which the stockholders shall make payment on their respective

1871.

§ 15. In all meetings of the stockholders of said railroad company, the corporation which may have subscribed to the capital stock of said company shall be represented by a proxy, appointed by a majority of the members of such corporation, and such proxy shall represent a number of shares of stock equal to the original subscription of such corporation, diminished by the number of shares issued by the president of said company in taking up the collector's tax receipts, as is provided in the preceding section; and in order to ascertain the number of shares such proxy may be entitled to vote, it is hereby made the duty of said president to return, under oath or affirmation, a list of such shares as he may have issued certificates for, showing the names of the parties to whom issued, at least two days before that appointed for any meeting of the stockholders.

§ 16. It shall be the duty of the corporate authorities of any corporation, which shall issue bonds in payment of any subscription it may make to the capital stock of said Woodford Railroad Company, as provided in this act, to appoint three discreet men, to be styled Commissioners of the Railroad Sinking Fund, who shall give bond, with satisfactory security, conditioned for the faithful performance of the duties herein imposed upon them, payable to the said corporation for the benefit of said railroad company, whose duties shall be to receive from the officer or agent collecting the tax to provide for the payment of the interest and principal of such bonds all moneys collected by him, and safely to keep the same; and when due, to pay the interest of such bonds, and to invest the sums devoted to the payment of the principal of such bonds, in the bonds of said Woodford county, and such other securities as the corporate authorities issuing such bonds may from time to time direct. Said commissioners shall make a clear and full report of the sums of money which may come into their hands, showing the amount collected, the amount of cash on hand, and how the balance is invested, in detail, with the interest each separate sum is drawing, at such times as may be appointed by the authorities appointing them. It shall be the duty of such corporate authorities to cause such reports to be verified by a committee of their own body, who shall report, after investigation, whether any part of such funds are, in their opinion, unsafely or injudiciously invested; and such corporate authorities may, in their discretion, direct that such funds be called in as soon as it can be legally done, and reinvested.

§ 17. The said Woodford Railroad Company shall have the right to build branches to connect with any other railroads existing in, or which hereafter may be constructed

1871. or tender the value of, any land, quarry, stone, or other material, and shall thereupon proceed to occupy, appropriate, and use the same in the construction of, and for the use of, the said road; and all persons employed in the construction of said road with wagons, carts, and all other implements necessary, shall have free ingress and egress to and from said land, stone, quarry, or other materials for the purposes aforesaid. The directors shall have power to agree with the owner or owners of land, quarries, stone, and material for the same, or the use thereof.

§ 11. When said road, or any continuous section of two and one half miles of said road, shall have been completed, the board of directors shall have power to erect a gate and collect half toll; that is, one half the amount charged for five miles, according to this act.

§ 12. The toll-gate keeper shall be appointed by the president and directors, and said board shall also appoint a clerk and treasurer; the treasurer shall be required to give bond, with good security, payable to said company. The clerk shall keep, in a well-bound book, a record of the proceedings of said board, which shall at all times be open to the inspection of the stockholders. The bond of the treasurer shall be conditioned that he will faithfully discharge his duties as treasurer, and that he will at all times pay over any money in his hands to the order of the president and directors of said board. Suit may be brought on said bond in the name of the president and directors of said company for any default of said treasurer, in any court having competent jurisdiction.

§ 13. The president and directors may let out any portion of said road as soon as five thousand dollars are subscribed, and may commence at any point on the line of said road they may see proper, and the balance of said road, or any additional part thereof, at discretion of said board, as soon as the capital stock is subscribed to an amount sufficient to justify them in the same; or said board may let out the building of any portion of said road, from one to fifteen miles, as fast as the money is subscribed to build the same.

§ 14. The president and directors shall have power to construct branch roads from the principal road, so as to intersect any other turnpike road, or for any other purpose said company may deem proper and right for the interest of said company; may build a branch road to any town or other point, and for this purpose the president and directors shall have the same powers and privileges that are granted to them in this charter to construct the main road. They shall also have the power to form a joint stock company with any other turnpike road com-

pany that is now or may hereafter be organized and incorporated.

1871.

§ 15. That said company shall have power to acquire, hold, or sell real and personal estate, so far as deemed necessary by the company for the construction, use, and repair of said road or branches; to build bridges, erect gates, houses, and to do all other necessary things in the exercise of the powers herein granted.

§ 16. The president and directors of said company are authorized to sell stock in said company to any amount they may judge proper, to any person or persons, and take their obligations, payable in labor on said road, or part in labor and part in money, at such prices as may be agreed on between the parties.

§ 17. The president and directors of said company and other officers shall, before entering upon the duties of their office, take an oath before some officer authorized to administer oaths by the laws of the State, well and truly to discharge the duties of their respective offices.

§ 18. That said president and directors shall have power to adopt and enforce such by-laws, rules and regulations, as they may deem necessary and proper for enabling them to control and manage the road, and all branches and property belonging to the same.

§ 19. That it shall be the privilege of each individual through whose land the main road or any branch road may pass, who may subscribe stock, to work out the value of his stock through his land at the customary price for labor, instead of paying the same in money, or he may have the preference at the lowest bid; and all subscribers of stock shall have the privilege of working out their stock subscribed, under the direction of the president and directors, at the customary price for labor.

§ 20. That the county courts of Barren, Metcalfe, or Cumberland counties (the county judge, and not less than a majority of the magistrates of the county presiding) shall have the right to subscribe for the stock of said company to the amount of one hundred shares or less, which subscription of stock, when made, shall be applied to the building of bridges, and grading and paving the approaches to said bridges, on said turnpike road and branches; and that the county courts of Barren, Metcalfe, or Cumberland county, or any town, corporation, or magisterial district in either or all of said counties, shall have the right to subscribe for the stock of said company to the amount of one thousand shares each, or any amount less that the president and directors of said road may think proper to accept; whenever the president and directors of said company shall request the presiding judge of the county of Barren, Metcalfe, or Cumberland county court.

1871. to submit to the qualified voters of said county, town, corporation, magisterial district, the question whether said court, town, corporation, or magisterial district shall, for and on behalf of the tax-payers of said county, town, corporation, or magisterial district, shall subscribe for stock in said company to the amount of shares mentioned in the application of said president, directors, and company, it shall be the duty of said court to order an election to be held in said county, town, corporate limits, or magisterial district, in the several voting precincts or places of voting therein for that purpose, on a day to be fixed by the presiding judge of said court, not later than thirty days after said request is made to him; and if a majority of those voting shall vote in favor of making said subscription, it shall be the duty of said county judge to make said subscription in accordance with the vote; said subscription being entered on the records of the several county courts of Barren, Metcalfe, or Green counties, as the case may be.

§ 21. It shall be the duty of the county court, the judge alone presiding, to enter said written application at length upon the records of his court, and thereupon to make an order commanding the sheriff of the county, on a day to be named in the order, to open the polls at the several voting precincts in said county, district, or town (if district or town the usual place of holding elections in the same), and to take the vote of the qualified voters in said county, town, or district upon the question, "Shall the county court, district, or town subscribe, for and on behalf of the tax-payers in said county, district, or town, the number of shares proposed in said written application?" It shall be the duty of the county court to appoint the judges and clerks of said election as is now required by law in cases of elections for State officers; and it shall be the duty of the sheriff, either in person or by deputy, as he may prefer, to superintend and hold said election or elections, as the case may be, as required by law in cases of elections for State officers; and on the failure of any officer appointed to hold and conduct said elections to attend and perform the duties herein required, those who do attend shall appoint and qualify others in the place of those not attending. At least twenty days' previous notice in printed handbills, posted at the several voting places, shall be given by the sheriff of the time and place of holding election.

§ 22. The poll-books shall be kept open as is now required by law and the Constitution; and the books shall be certified by the officers of the election and returned to the clerk of the county court of Barren, Metcalfe, or Cumberland county, respectively, as the election may come

off in either county, on the third day after the election, whether it be a county, precinct, district, or corporation vote. 1871.

§ 23. It shall be the duty of the county judge, county court clerk, and sheriff of said county or counties, on the day of the return of said books to the office of the county court clerk, as is herein required, to count the votes for and against said subscription; and if a majority of all the votes cast shall be in favor of the subscription of the stock, they shall make out a written certificate to that effect, which shall be entered on the records of said county court; or the duties may be performed by any two of said officers in the absence of either of the three.

§ 24. It shall be the duty of the county court, the judge alone presiding, to issue bonds of said county, precinct, district, or corporation, in denominations of from fifty to one thousand dollars each (as in the discretion of the president and directors of said company), payable to the president and directors of the Glasgow, Edmonton, and Burksville Turnpike Road Company in ten, twenty, or thirty years, as the company may demand, bearing interest at the rate of not less than six or more than ten per cent. per annum, payable annually or semi-annually, as the company may direct, for the amount of said subscription; which bonds are to be taken and received by the president and directors of said company in satisfaction of said subscription, and for which the county, precinct, district, or corporation shall be entitled to receive of the capital stock of said company an amount equal to the aggregate amount of said bonds; said bonds shall be signed by the county judge and countersigned by the county court clerk; shall have coupons attached for the payment of the interest, which shall also be signed by the county clerk alone; said bonds shall be made payable [at such] place or places in the United States as the president and directors may designate; and they may be negotiated by the president and directors by their written indorsement thereon. It shall be the duty of the county court, through its presiding judge, or if in a town, the trustees of said town, from time to time, to provide for the payment of the interest on said bonds by the imposition of an ad valorem tax upon all the real and personal property or estate, including the amount of each tax-payer's worth under the equalization law within said county, precinct, district, or town, subject to taxation for revenue purposes; and for the purpose of ascertaining the property subject to taxation, recourse may be had to the assessor's tax-book; said tax shall be collected by the sheriff of the county, or, if in a town, by a competent person appointed by the trustees of the town; he first giving bond with

1871. good and sufficient security. The sheriff shall collect as other public dues, under the same responsibilities as for collecting other public dues, and shall be paid over by him to the treasurer of said company, who is to be chosen by the directors, to be applied by him to the payment of the interest on said bonds: *Provided*, That the directors may, in their discretion, elect a special commissioner to receive the interest on said bonds, who shall execute bond with good security, payable to the president, directors, and company, for the faithful discharge of his duties.

§ 25. It shall be the duty of the collecting officer to give to the person from whom he may collect said tax a receipt, specifying the amount paid, time of payment, and for what paid.

§ 26. Whenever the amount of said receipt or receipts shall equal in the aggregate the amount of twenty-five dollars, and shall be presented to the president of said company, it shall be his duty to issue to the holder thereof a certificate of stock equal to the amount of receipts surrendered, and said receipts are and shall be assignable. The person receiving said certificate shall thenceforth be a stockholder in said company, and substituted to all the privileges of other stockholders.

§ 27. The county court of Barren, Metcalfe, or Cumberland county, or the trustees of any town in said counties, upon the written request of the president and directors of said company, shall impose a tax upon the real and personal estates in said county, precinct, district, or town, not exceeding thirty cents on the hundred dollars' worth of property assessed for taxation in any one year, to create a sinking fund for the extinguishment of the principal of said bonds, and may make all needful orders, rules and regulations, for that purpose.

§ 28. The county judge, county court clerk, and treasurer, or special commissioner of said company, shall *ex-officio* constitute a board of commissioners of the sinking fund, whose duty it shall be to manage the fund for the payment of the principal of said bonds: *And provided further*, That any dividends that may be declared by the board of directors on the stock owned by county, precinct, district, or town, shall from time to time be paid over to said commissioners, and applied to either the interest on said bonds or the principal of said bonds, as the commissioners in their judgment or discretion may think best.

§ 29. The officers collecting the money to be raised under this act shall be entitled to the same fees now allowed by law for collecting the State revenue.

§ 30. This act shall take effect from and after its passage.

Approved March 13, 1871.

CHAPTER 1532.

1871.

AN ACT for the benefit of James F. Carson, of Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts, be, and he is hereby, directed to draw his warrant on the Treasury in favor of James F. Carson, of Rockcastle county, for the sum of twenty dollars and ninety cents, to be paid out of any money in the Treasury not otherwise appropriated, as compensation for expenses incurred in carrying G. S. Hunt, a pauper lunatic, from said county to the Asylum at Lexington.

§ 2. That this act take effect from its passage.

Approved March 13, 1871.

CHAPTER 1533.

AN ACT to allow the County Court of Marshall County to purchase Stanton's Treatise.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Marshall county be, and it is hereby, authorized (a majority of all the justices of the peace in said county being present and concurring therein) to purchase for the use of the officers of said county, the sheriff, county judge, clerk of the circuit and county court, each justice of the peace, county attorney, jailer, and coroner, and each constable, one copy for each officer named of Stanton's Treatise.

§ 2. That for the purpose of paying for said books the county court of said county, at its next court of claims, is hereby authorized to include the amount necessary for such purpose in the county levy.

§ 3. That this act shall take effect from and after its passage.

Approved March 13, 1871.

CHAPTER 1534.

AN ACT for the benefit of George Roberson, of Casey County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, authorized to draw his warrant on the Treasurer in favor of George Roberson, of Casey county, for the sum of seventy-five (75) dollars, as compensation for keep-

1871. ing and maintaining Milton Roberson, who was adjudged to be an idiot by the circuit court of Casey county, for the period of eighteen months.

§ 2 This act shall take effect from and after its passage.

Approved March 13, 1871.

CHAPTER 1535.

AN ACT for the benefit of Common School District No. 26 (Carlisle District), in Nicholas County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act allowing common school districts to levy a district school tax," approved March 2d, 1865, be, and the same is hereby, amended as to allow common school district No. 26, known as the Carlisle District, in the county of Nicholas, to levy and collect a tax of not exceeding one dollar in any one year on the one hundred dollars' worth of taxable property in said district, for the purpose of paying for the building of a school-house.

§ 2. The election and other proceedings under this act shall be governed by the act approved March 2d, 1865, aforementioned, and the same is hereby revived and made the law for the purposes of this act, except that said election shall be held on the fourth Saturday in May, instead of the first Saturday in April, as required by said act.

§ 3. This act to take effect from and after its passage.

Approved March 13, 1871.

CHAPTER 1536.

AN ACT to authorize Garred Ratliffe to erect a Boom across Rockcastle Creek, in Lawrence County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Garred Ratliffe, of Lawrence county, Kentucky, be, and he is hereby, permitted to erect and keep across Rockcastle creek, in Lawrence county, Kentucky, at or near its mouth, a boom for the purpose of catching, securing, and keeping such loose saw-logs as may come against it; and for each saw-log so caught, kept, and secured by said Ratliffe, he is authorized to charge the owner thereof the sum of fifteen cents; and a lien is hereby created in his favor upon all such logs so caught

for the amount of boomage due under the provisions of this act. 1871.

§ 2. Before erecting said boom, the said Ratcliffe is required to execute, before the judge of the Lawrence county court, a bond, with approved surety, conditioned that the said Ratcliffe will pay to any person injured by any neglect in keeping said boom, all damages which they may sustain by reason of said neglect.

§ 3. This act to take effect from its passage.

Approved March 13, 1871.

CHAPTER 1538.

AN ACT exempting Salt Wagons from payment of Toll on the Wilderness Turnpike Road, in the Counties of Knox and Josh Bell.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all wagons, in good faith engaged in hauling salt from the Goose Creek Salt Works, in Clay county, are exempt from paying toll at the toll gates on the Wilderness Turnpike Road in the counties of Knox and Josh Bell, when going to said salt works empty after salt, or when returning with a full load, or going to Goose creek with only sufficient produce to load themselves with salt, or when returning with a full load of salt from said works.

§ 2. That the gate-keepers on said road shall have full power to administer an oath to all wagoners, who profess to be engaged in hauling salt from said salt works, that he or they are, in good faith, engaged, at the time, in hauling salt from the Goose Creek Salt Works, in Clay county.

§ 3. That all the tolls received at the toll-gates aforesaid shall be applied exclusively to the benefit of the main State road running through Barbourville; and all acts authorizing any portion of the money taken in at said gates to be applied to the old road, or any other road, except the main State road running through Barbourville, are repealed.

§ 4. This act to take effect and be in force from its passage.

Approved March 13, 1871.

1871.

CHAPTER 1539.

AN ACT for the benefit of Wm. E. Clelland, Sheriff of Mercer County.

WHEREAS, The Mercer county court has assessed a tax upon the people of Mercer county for the benefit of certain turnpikes; and whereas, for good reasons, appreciated by all the tax-payers of Mercer county, they have been unable to pay said tax without great distress, and the sheriff of said county has been unable to collect the same; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William E. Clelland is hereby allowed until the 1st day of October, 1871, to collect the uncollected turnpike road tax heretofore levied by the county court of Mercer county, and which should have been, under the law, paid in full by the 15th March, 1871.

§ 2. Said sheriff will pay over said uncollected tax, as directed by the county court of Mercer county, in orders heretofore made, as fast as he collects the same.

§ 3. This act shall take effect from its passage.

Approved March 14, 1871.

CHAPTER 1540.

AN ACT for the benefit of R. W. Stringer, of Livingston County.

WHEREAS, It appears to this General Assembly that Jno. W. Duerford was adjudged to be a lunatic by the Livingston circuit court, at its August term, 1869, and ordered by said court to be taken to the Western Lunatic Asylum at Hopkinsville, and that said Duerford was taken by R. W. Stringer, in accordance with said order, to Hopkinsville, and there being no room, he was not admitted, and was brought back, and has been kept by the said R. W. Stringer for eighteen months—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, ordered to draw his warrant on the Treasurer in favor of R. W. Stringer, of Livingston county, for the sum of seventy-five dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved March 14, 1871.

CHAPTER 1541.

1871.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to amend the charter of the Shelbyville Railroad Company, and to authorize certain Counties to take stock in the same.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of an act, entitled "An act to amend an act, entitled 'An act to amend the charter of the Shelbyville Railroad Company, and to authorize certain counties to take stock in the same,'" be amended by striking out the first two provisos of the said section, the same immediately following the words "said company," in the seventh line thereof, in the printed acts, and just preceding the words "it is further," in the fifteenth line thereof, and insert in lieu thereof the following, to-wit: "*Provided, however,* That said subscription shall only be used in the construction of said road, upon the most direct and practicable route to Lawrenceburg."

§ 2. This act shall be in force from and after its passage.

Approved March 14, 1871.

CHAPTER 1542.

AN ACT for the benefit of Elijah Evans, of Jessamine County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is authorized and directed to draw his warrant upon the Treasurer in favor of Elijah Evans, of Jessamine county, for the sum of one hundred and fifty dollars, to be paid out of any money in the Treasury not otherwise appropriated, for the money expended by said Evans in procuring the arrest of Moses Ray, indicted for murder in the Garrard circuit court, in the State of Indiana, under a requisition of the Governor of this Commonwealth.

§ 2. This act to be in force from its passage.

Approved March 14, 1871.

CHAPTER 1543.

AN ACT for the benefit of M. C. Hughes, late Sheriff of Gallatin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of M. C.

1871. Hughes, late sheriff of Gallatin county, for one hundred and fifty-seven dollars and thirty-four cents, being the amount of damages paid into the Treasury on the revenue of 1862 by him.

§ 2. This act shall take effect from its passage.

Approved March 14, 1871.

CHAPTER 1544.

AN ACT for the benefit of John A. Wilson, Clerk of the Fulton County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John A. Wilson, clerk of the Fulton county court, have, and he is hereby granted, the further time of two years, from and after the passage of this act, to list and collect his fee bills, in the manner and mode now authorized by law.

§ 2. That this act shall take effect from and after its passage.

Approved March 14, 1871.

CHAPTER 1546.

AN ACT for the benefit of J. S. Randall, of Whitley County.*

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasurer for the sum of fifteen dollars and five cents in favor of Jas. S. Randall, of Whitley county, balance due for conveying Robert Munholland, a pauper lunatic, from Whitley county to the Western Lunatic Asylum.

§ 2. This act to be in force from its passage.

Approved March 14, 1871.

CHAPTER 1547

AN ACT to amend the act, entitled "An act to incorporate the Shelbyville Cemetery Company," approved March 1, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Shelbyville Cemetery Company, incorporated by an act of the Legislature approved March 1, 1854, is and shall be constituted and composed only of

those persons who have heretofore purchased and paid, and who may hereafter purchase and pay for lots, and have received certificates of ownership therefor in the cemetery grounds owned and held by the said corporation. 1871.

§ 2. From and after the first Saturday in June, 1871, the board of trustees of said Cemetery Company shall consist of nine (9) members of said corporation, three of whom shall be annually elected by the lot-owners voting in person, as hereinafter provided; five of whom shall constitute a quorum to transact business. The board of trustees now in office may hold and continue as such trustees until the first Saturday in June, 1871, and until their successors are duly elected and qualified; and they shall give at least four weeks' notice, by publication in the "Shelby Sentinel," of an election for nine members of the corporation, to serve as a board of trustees for said company, on the said first Saturday in June, 1871.

§ 3. The board of trustees elected as aforesaid in June, 1871, shall, at their first meeting after their election and qualification, divide themselves by lot into three equal classes; the first class shall go out of office on the first Saturday in June, 1872; the second class on the first Saturday in June, 1873; and the third class on the first Saturday in June, 1874; and thereafter one third of the said board of trustees shall go out of office every year, subject to re-election. All vacancies occurring in the board of trustees between the annual elections, shall be filled until that day by the board. Failure to accept the office and qualify within four weeks' after being elected, death, resignation, or removal from Shelby county, shall vacate the office of trustee. At their said first meeting after their election in June, 1871, the board of trustees shall elect one of their number as chairman, and another as vice chairman; they shall also elect a secretary and treasurer, and appoint a superintendent. For secretary, treasurer, and superintendent, they may select members of the board or any member of the corporation, and may allow each of said officers a reasonable compensation, and also require the treasurer to give bond.

§ 4. At the annual election for a board of trustees, each person holding a certificate of title to a lot or lots in the cemetery grounds of said corporation, regularly authenticated by the chairman and secretary, in accordance with the by-laws of the corporation, shall be entitled to a vote; when the title of a lot or lots is invested in more than one person, the owners shall determine which of them shall cast their vote; when lots are owned and held by decedents' estate, the legal representatives of such decedents shall be the proper person to cast the votes for such estates.

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The officers of the election shall be appointed by the board of trustees; and the secretary of the board shall have a notice of such election published in the newspaper published at Shelbyville, at least four weeks previous to the first Saturday in June in each year.

§ 5. Each trustee, before entering upon the duties of his office, shall make oath, before some officer competent to administer the same, that he will faithfully and impartially discharge the duties of a trustee according to the best of his abilities, and will not be influenced in his conduct as trustee by any sectarian or political considerations or motives whatever; which oath thus taken shall be certified by the officer administering the same, and recorded in the books of the corporation. Officers who are not members of the board of trustees shall be required to make oath for the faithful discharge of the duties of their respective offices.

§ 6. The board of trustees of said corporation shall at all times have full power, in accordance with the by-laws of the corporation, to enter, by themselves or their agents, upon any lot or lots within the bounds of the cemetery grounds belonging to the said cemetery company, and to remove therefrom any improper or unseemly monuments, fixtures, shrubbery, trees, or other matter, which may be placed thereon against the by-laws, rules and regulations, of the corporation. The said board of trustees shall also have full power to enter upon any lot or lots within the said cemetery grounds, for which the holder has neglected or refused to pay for more than one year, and remove therefrom the remains which may have been interred thereon: *Provided*, That before such entry and removal the parties interested shall be duly notified that such action will be had, if the lot or lots, and the expenses incurred thereon, are not paid within one month from date of service of such notice: *And provided further*, That the remains so removed shall be interred by the trustees or their agents, on a plot of ground set apart by the board of trustees for general burial purposes; and the lots so entered, and all other lots in the cemetery of said company not paid for within one year after purchase, shall revert to the said corporation, and be subject to resale by the board of trustees.

§ 7. That neither the lots heretofore, nor those hereafter sold in the grounds of said cemetery company, shall be subject to execution, or in any manner liable for the debts of the purchasers and owners; and the lands, buildings, fixtures, and improvements of said cemetery company, and all the lots in the cemetery grounds, shall forever be exempt from taxation or levy for State, county, or municipal revenue; and no public road or passway, except for

the uses of said cemetery, shall at any time be opened through or over said cemetery grounds, or any part thereof.

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§ 8. That should any person go inside the inclosed grounds of said cemetery company, except through the gates made for that purpose, or go therein contrary to the by-laws, rules and regulations, of the board of trustees, or unlawfully deface, cut, or otherwise injure any tomb-stone, tablet, monument, vault, inclosure, tree, shrub, flower, or ornament in said cemetery, or sit upon the graves, walks, or grounds (without permission of the sexton), or pass across the lots, or ride or drive upon the walks or across the grounds, except along upon the avenues, or participate in any boisterous conversations or angry discussions, or use profane language, or without right and the consent of the board of trustees, or their agents, disinter any body buried therein, or in any manner violate and offend against any of the provisions of this act, or the act of which it is amendatory, or against any of the by-laws, rules and regulations, of the said corporation, enacted by the board of trustees for the conduct and government of the cemetery grounds, and not inconsistent with the laws of the State, besides being liable to an indictment for misdemeanor, and punishable therefor according to the discretion of a jury, said company shall be entitled to recover damages for any trespass named in this act, of not less than two dollars, nor more than five hundred dollars. All actions at law for violations of any of the provisions of the laws incorporating the company, and any of the by-laws, rules and regulations, of said corporation, shall be had before the police court of the town of Shelbyville, the presiding judge of the Shelby county court, or the Shelby circuit court, in the name of the Shelbyville Cemetery Company; and all fines imposed and collected shall be for the benefit of said company, and shall be paid over to their treasurer; and where such fines shall be for damages committed, the proceeds thereof shall be used to repair, as far as possible, the injury that was committed.

§ 9. All provisions of the act incorporating said Shelbyville Cemetery Company, approved March 1, 1854, inconsistent with the provisions of this act amending the same, are hereby repealed; and all provisions of said act of March 1, 1854, not inconsistent with the provisions of this amendatory act, are retained in full force and effect.

§ 10. This act shall take effect from and after its passage.

Approved March 14, 1871.

1871.

CHAPTER 1548.

AN ACT to incorporate the Iron Works Turnpike Road Company.

WHEREAS, The Iron Works Turnpike Road Company, whose road lies partly in Fayette and partly in Scott county, attempted to organize and become an incorporated company under the provisions of chapter 103 of the Revised Statutes, and said company has proceeded to make their road from the intersection of the Iron Works Road with the Lexington and Newtown Turnpike, in Fayette county, to the intersection of said road with the Georgetown and South Elkhorn Turnpike, in Scott county; and whereas, said road company instituted and carried on all their proceedings required to be done in court in the Fayette county court, and no proceedings were had in the Scott county court; and for this reason it is probable that said company is not lawfully incorporated; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the subscribers to the stock of the "Iron Works Turnpike Road Company," and their successors, be, and they are hereby, made a body corporate, who, by that name and style, shall have perpetual succession, and may sue and be sued, and have all the rights and privileges it would have been entitled to had it pursued all the requirements of chapter 103 of the Revised Statutes to make it a corporation, and it shall be governed by the provisions of said chapter, so far as the same are applicable.

§ 2. Said company shall have the right to extend its road from its present terminus in Scott county, along the route of the Iron Works Road, to its intersection with the Georgetown and Frankfort Turnpike, or as far on said route as they deem advisable; and for that purpose the capital stock of said company may be increased by the sum of ten thousand dollars, in shares of fifty dollars each; and it shall have the same powers, under the same restrictions, and subject to the same duties and liabilities, it would have been, had it been originally incorporated with authority to build its road to the Georgetown and Frankfort Turnpike.

§ 3. This act shall take effect from its passage.

Approved March 14, 1871.

CHAPTER 1549.

1871.

AN ACT to amend an act, entitled "An act to incorporate the Simpsonville and Antioch Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Simpsonville and Antioch Turnpike Road Company," approved January the 26th, 1870, be, and the same is hereby, so amended as to authorize said company to erect and keep upon their said road two gates, and to collect thereat such tolls as are now allowed by law at full gates: *Provided, however*, That these gates shall be so placed as to be at or near the respective ends of said road, and at least four miles apart.

§ 2. This act shall take effect from its passage.

Approved March 14, 1871.

CHAPTER 1550.

AN ACT for the benefit of School District No. 22, in Madison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the school commissioner for Madison county be, and he is hereby, allowed to make his report for school district No. 22, in Madison county, showing the number of children in said district within the school ages for the year 1870, on or before the 15th day of May, 1871, to the Superintendent of Public Instruction; and when the same shall be made, the Superintendent of Public Instruction will transmit a copy of same to the Auditor, whereupon the Auditor will draw his warrant on the Treasurer in favor of the school commissioner of Madison county for the amount which would have been due said district No. 22 if a school had been taught the full length of time from its commencement, in 1870, to the close of the school year, as shown by the report herein authorized to be made. The aforesaid amount of money shall be paid out of any surplus belonging to Madison county; and if there be no such surplus, then to be paid out of the bond fund for Madison county; and said amount, when received, shall be paid over by the school commissioner of Madison county to the trustees of school district No. 22, in Madison county, for the support of a school in said district. The intention of this act being to give to said school district the same amount of money as if a school had been taught for the full school year, beginning in July, 1870.

§ 2. This act shall take effect from its passage.

Approved March 14, 1871.

1871.

CHAPTER 1551.

AN ACT for the benefit of Public Schools and Academy of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The city council of the city of Newport is hereby authorized and empowered, in addition to the taxes now authorized by law, to levy an additional tax of not exceeding ten cents on the one hundred dollars' valuation of all the taxable real and personal property in said city; said tax to be levied in the same manner, and to be due and collected at the same time and in the same manner as the general taxes of said city are levied and collected.

§ 2. The tax authorized in the foregoing section, when collected by the city council, shall be paid over to the school board of said city, and to be applied by said board towards the erection of school-houses, furnishing the same, and for maintaining the public schools and academy of said city of Newport.

§ 3. The tax authorized in the first section of this act shall only be levied for the years 1871, 1872, 1873, and 1874, and not longer.

§ 4. This act shall take effect and be in force from and after its passage.

Approved March 14, 1871.

CHAPTER 1552.

AN ACT for the benefit of Common School District No. 19, in Montgomery County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the common school in district number nineteen, in the county of Montgomery, be, and they are hereby, authorized to levy and collect an ad valorem tax on all the property in said district now taxable for State purposes for three years, at a rate of not more than ten cents on the one hundred dollars; also to collect a poll-tax of two dollars on each white male citizen of said district, who is over the age of twenty-one years, for the purpose of paying for a house and lot in said school district for school purposes; and said trustees are hereby authorized to contract for and purchase the same, taking to themselves and successors in office the title thereto, which, when so purchased, shall be free from taxation; said taxes to be levied and collected by the sheriff of said county as State and county taxes are now collected, under the same penalties and restrictions,

with like powers; when so collected, shall be paid over to said trustees for the purposes aforesaid.

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§ 2. That each person so paying said taxes shall have an interest to the amount of said taxes so paid in the house and lot so purchased by said trustees as aforesaid.

§ 3. That this act shall take effect and be in full force from and after the date of its passage.

Approved March 14, 1871.

CHAPTER 1553.

AN ACT for the benefit of School District No. 3, in Simpson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the school commissioner of Simpson county be, and is hereby, authorized to draw his warrant on the Treasury for the school fund apportioned school district No. 3, in Simpson county, for the school year ending June 30th, 1871, and apply the same to pay the expense of said school; and in case no school is taught in said district for said year, to apply the same for the construction of a school-house for said district.

§ 2. That this act shall have effect from the date of its passage.

Approved March 14, 1871.

CHAPTER 1555.

AN ACT to provide compensation to the Clerk of the Campbell Circuit Court for making Cross-index to the suits and records thereof.

WHEREAS, It is represented to this General Assembly that Benjamin Beall, clerk of the Campbell circuit court, by an order of the Campbell county court of record, has made a general cross-index of all the suits and records in his office, from the year 1798 down to the year 1864; and whereas, doubts exist as to the power of the county of Campbell to compensate him therefor—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Campbell county court, at any term of said court when a majority of all the justices of said county in commission, including the city of Newport, shall be present, to allow to Benjamin Beall, clerk of the Campbell circuit court, a reasonable compensation, to be ascertained by evidence, for his services heretofore rendered, pursuant to any order of said

1871. county court, in making a general cross-index of the suits and records in his office, from the year 1798 to the year 1864, and to direct the payment thereof out of the county levy; or in case the said levy shall be insufficient, to lay an additional levy for the purpose of paying the same, which, when collected, shall be paid over to the said Beall: *Provided*, That said compensation shall not exceed the sum of one thousand dollars: *Provided further*, That the city council of the said city of Newport pay one half of the amount of the compensation allowed by this act.

§ 2. This act shall take effect from its passage.

Approved March 14, 1871.

CHAPTER 1556.

AN ACT to incorporate the Shepherdsville and Belmont Furnace Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed for the purpose of building a turnpike road from Shepherdsville to Belmont Furnace, over the most suitable ground from the one point to the other, to be styled the "Shepherdsville and Belmont Furnace Turnpike Road Company."

§ 2. The capital stock of said company shall be twenty thousand dollars, to be increased or diminished at the pleasure of the company, to be divided into shares of fifty dollars each.

§ 3. That books for the subscription of stock shall be opened by Henry Trunnell, W. Carpenter, A. H. Bowman, H. C. Maraman, Wm. Hays, James F. Smith, R. I. Hoglan, Benj. Chapeze, and James Moore, or any one or more of them, who, or such of them as may act, are hereby appointed commissioners for that purpose, at such times and places as they may deem proper; they shall insert in a book an obligation, as follows: "We, whose names are hereto subscribed, severally promise to pay to the president and directors of the Shepherdsville and Belmont Furnace Turnpike Road Company the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and at such times as shall be by them required under the law incorporating said company, to be collected as other debts. Witness our hand this ____ day of ____."

§ 4. That when five thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners named, or any one or more of them, to give notice thereof, and call a meeting of the

stockholders, at such time and place as he or they may think proper, for the purpose of electing a president and four directors; one vote shall be allowed for each share of stock; and the president and directors then chosen shall continue in office for one year, and until their successors are chosen and qualified. The time and place of each election thereafter shall be fixed by the president and directors, a majority of whom shall be competent to do business.

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§ 5. So soon as said company is organized by election of the officers, the president and directors shall be a body-politic and corporate in law, by the name and style of the Shepherdville and Belmont Furnace Turnpike Road Company, with the privileges and franchises of a corporation; shall be capable of holding their capital stock, and the increase and profits thereof; and holding by purchase, gift, or otherwise, all things necessary or proper for the prosecution of their work; they shall have power to contract and be contracted with, to sue and be sued, in all courts of law and equity, and generally to do all and every thing lawful for a corporation to effect the object for which said corporation was created.

§ 6. Said corporation shall fix and regulate the grade and width of said road and its covering with stone or gravel, may designate the place for the toll-gates, fix the rates of toll, not, however, exceeding the rate fixed by the general laws; they may erect a gate on said road when two and one half continuous miles of said road is completed.

§ 7. Said company is authorized and permitted by this charter to build a branch road to Wooldridge's ferry.

§ 8. That to further aid in building said road, and to equalize the burthen of building the same as nearly as possible, there is hereby levied and shall be collected a tax of one dollar on each acre of land lying within one and a half miles of said road on each side thereof; the tax levied to be used in the building of said road: *Provided, however,* Before this section of the act shall take effect it shall be submitted to the land-holders within the prescribed boundary, at an election to be held for that purpose, and at which widows owning land and the guardian of infants owning land, shall be competent voters; and unless a majority of the land-holders vote for the same, the officers of said road shall not exercise the powers conferred by this section of the charter; the election to be held at such time and places, and after such notice, as may be prescribed by the officers of the corporation.

§ 9. Should a majority vote in favor of said tax, then the officers may provide for the assessing and collection of

1871. said tax in such manner as they may determine, consistent with the laws of the State.

§ 10. It shall be lawful for the officers and employees of the company, with their tools and appliances, to enter upon the land over and contiguous to which the road shall pass, for the purpose of procuring gravel, stone, or timber for said road, having first given notice to the owners or occupiers three days; they shall have the right to take and receive the right of way over and through the land where said road shall be located, and the release of timber, stone, or gravel; and if they cannot agree with the owners, then the president shall apply to the county court of the county in which the land lies for a writ of *ad quod damnum* to assess the damages for the right of way, or for timber, stone, or gravel; and upon the payment or tender of the damages assessed, it shall be lawful for the company to open said road, and enter upon said land and take the stone, timber, or gravel necessary to do the work pertaining thereto.

§ 11. The commissioners and board of directors may receive subscriptions to be paid in work on said road, subject to such regulations as the board of directors may deem proper.

§ 12. The president and directors shall give notice as they may deem proper of the amount of call on each share of stock, and the time and place of payment.

§ 13. The president and directors may appoint such officers as they may deem necessary, and prescribe their duties.

§ 14. This act shall take effect from its passage.

Approved March 14, 1871.

CHAPTER 1557.

AN ACT to Incorporate the Caverna and Burksville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated by the name of Caverna and Burksville Turnpike Road Company, for the purpose of constructing a turnpike road from Caverna, in the county of Hart, to Burksville, in the county of Cumberland, along the following route, to-wit: Beginning at the said town of Caverna, thence to Bearwallow, in the county of Barren; thence to Hiseville, in the county of Barren; thence to Randolph, in the county of Metcalfe; thence to Edmonton, in the county of Metcalfe; thence down Casey's Fork to Marrowbone creek, in the county of Cumberland; thence down said creek, passing Marrow-

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bone post-office, to Burksville, in the county of Cumberland; and under the above corporate name this company shall have perpetual succession; may have and keep a common seal; may contract and be contracted with, sue and be sued, implead and be impleaded, answer and defend, as natural persons, in all the courts of this Commonwealth; and may by gift, bequest, or purchase, acquire, hold, and convey all real, personal, and mixed property and estates necessary to the building and maintaining of their said road.

§ 2. The capital stock of said company may be any amount sufficient to construct said road, and to carry on the legitimate business of said company; said capital stock shall be divided into shares of fifty dollars each, and each share shall entitle the holder thereof to one vote in all transactions of said company, to be decided by vote, which may be cast either in person or by written proxy: *Provided, however,* That the private property of no stockholder shall be bound for the liabilities of the company beyond the amount of his stock subscribed.

§ 3. That Thomas H. Mustain, D. J. Wilcoxon, C. H. Higbee, and William Hare, of the county of Hart; Wm. M. Wilson, John M. Yates, Henry Hays, R. H. West, Perk Pummers, Perry Summers, and John Bebee, of the county of Barren; J. S. Cummins, Wash. Plemmons, Jos. F. Ray, Sebastian Bell, R. B. Dehoney, and John W. Compton, of the county of Metcalfe; Samuel Norris, Walter J. Pace, P. W. Barron, Jesse Beck, Milton Smiley, A. G. Waggener, and John Sandage, of the county of Cumberland, are hereby appointed commissioners, any one of whom may open books and take subscription of stock in said company in the following form, to-wit: We, the undersigned, do hereby promise to pay to Caverna and Burksville Turnpike Road Company fifty dollars for each and every share of stock set opposite to our name, payable in such amounts and at such times as said company may require; the same to be collected as other debts. This — day of —, 187—.

§ 4. As soon as two thousand dollars or more shall be subscribed to the capital stock of said company, said commissioners, or any three of them, shall give notice to the stockholders of the time and place at which an election will be held for the purpose of choosing a president and directors (the number of directors to be determined by the stockholders), who shall constitute a board of managers, to whom shall be committed the direction and control of all the interest and affairs of said company, and shall hold their several offices for one year, or until their successors shall be duly elected and qualified; provisions for

1871. the annual election of whom they are hereby required to make previous to the end of their official term.

§ 5. Said president and board of managers, before acting as such, shall take an oath before some justice of the peace, or other person legally authorized to administer an oath, that they will well, truly, and faithfully discharge the duties severally of their office; they shall appoint a treasurer, require him to give bond, with security, payable to the company, conditioned to the honest and faithful discharge of his official duties, and to pay over to them at any time they may require it all the money, papers, or assets, of every description, which may have come into his hands; may require him to keep a well-bound book, subject to the inspection of the company, or any member thereof, all such accounts, orders, and by-laws as they may wish to preserve, and, in fine, they may prescribe his duties, fix his pay, and remove him from office at pleasure, and may sue and recover upon his bond in case of misfeasance or malfeasance in office. Said board may also appoint and employ all other officers, agents, and employees that may be necessary and proper to the conduction and maintenance of their said road, and may remove any and all of them at pleasure; and may make all necessary rules, regulations, and by-laws for the conducting of their business, the control of their employees, and the protection of their property and interests, in so far as the same shall not be inconsistent with the provisions of this act, nor with the Constitution and laws of this State or of the United States.

§ 6. The company shall have power, by gift, release, or purchase, to acquire the right of way for their said road, and all the materials necessary to construct the same: *Provided, however,* That if they shall not be able to agree with the owner or owners of such land and materials as to the value of the same, or as to the damages to be sustained by said owner or owners in the occupying of said lands, or the removal of said materials and the building of said road, then said board may proceed to obtain a writ of *ad quod damnum*, and to condemn such land and materials, and upon the payment or tender of the damages so assessed, may proceed to get and use such lands and materials in the building of said road.

§ 7. As soon as said board shall have acquired the right of way to a sufficient length of road-bed to justify them in the premises, they may proceed to locate and let out for construction such part or parts thereof as they may consider advisable, and may so continue, from time to time, as the subscription of stock to the road may justify, until the whole shall be completed. They shall have the right

to enter upon and use the road-bed of any of the roads now used as county roads.

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§ 8. As soon as two and one half continuous miles of said road shall be completed, said board may erect a toll-gate thereon, and appoint a keeper, provide him a house, and proceed to collect such tolls as is now allowed by law at a half gate.

§ 9: That said road shall not exceed thirty (30) feet in width; the degree of grade of road-bed, the width and thickness of metal, may be regulated by said board, as they may elect, provided that a good and substantial road is made.

§ 10. Said board may pass by-laws imposing fines and penalties upon any person or persons who shall unlawfully and maliciously obstruct or injure said road, or any appurtenances thereunto belonging, or who shall knowingly and willfully evade or refuse to pay toll upon the same. Said fines shall not exceed fifty dollars for any one offense, and shall be proportioned to the gravity of the offense, or repetition thereof; and shall be collectable by law as other fines of like amounts; and when collected, shall be for the use and benefit of said company.

§ 11. This company shall have and enjoy all the rights and privileges which are now enjoyed by the most favored corporate turnpike road company in this Commonwealth.

§ 12. This act shall take effect from and after its passage.

Approved March 14, 1871.

CHAPTER 1558.

AN ACT to incorporate the Logan's Creek, Dudderar's Mill, and White Oak Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be formed under the name and style of the Logan's Creek, Dudderar's Mill, and White Oak Turnpike Road Company, for the purpose of making and forming an artificial road, commencing on the Stanford and Crab Orchard Turnpike Road, near Logan's creek, and running by Dudderar's mill to White Oak.

§ 2. The capital stock of said company shall be eight thousand dollars, divided into shares of fifty dollars each; and if it be ascertained that this sum is not sufficient to accomplish the object of this act, then the president and directors may enlarge it to such amount as may be necessary, and open subscriptions therefor in such manner as they may think proper.

1871.

§ 3. That books for the subscription of stock in said company shall be opened on the second Monday in March, 1871, or as soon thereafter as convenient, and kept open until the capital stock shall be subscribed. The books will be opened in Stanford under the direction of Tim. M. Pennington, Lewis Dudderar, David Spoonamore, James Spoonamore, Thornton Porter, Alexander Robinson, and James H. Miller, who are hereby appointed commissioners. Any two or more of the commissioners may open the books and receive subscription of stock at the time and place named. The subscribers of stock shall enter into an obligation in said books to pay the sum subscribed by each, respectively. Notice shall be given in the Stanford paper of the time of the opening of said books.

§ 4. That the county court of Lincoln, a majority of the justices concurring therein, may take stock in said road; and to pay the same, may levy a tax on each one hundred dollars' worth of property in said county subject to taxation as will be sufficient for that purpose.

§ 5. So soon as five thousand dollars, including the county subscription, of said stock shall be subscribed, the commissioners may call a meeting of the stockholders, and elect a president and six directors, who shall hold their office for one year, and comply with all the provisions of the fourth section of the act incorporating the Danville and Hustonville Turnpike Road Company.

§ 6. That so soon as the road shall be completed to Dudderar's mill, it will be entitled to the benefit of one gate; and the corporation is authorized and empowered to erect a gate on said road, and receive toll at the same.

§ 7. That the provisions of an act to incorporate the Danville and Hustonville Turnpike Road Company, approved March the 1st, 1844, from the fifth to the thirty-fifth sections, inclusive, be, and the same are hereby, extended to the Logan's Creek, Dudderar's Mill, and White Oak Turnpike Road Company.

Approved March 14, 1871.

CHAPTER 1559.

AN ACT to incorporate the Demossville and Gardenersville Turnpike Road Company, in Pendleton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body-politic and corporate be, and is hereby, created and authorized to be formed and organized, under the name and style of the Demossville and Gardenersville Turnpike Road Company; and under that name and style shall have perpetual succession; may have a

common seal; may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

1871.

§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road from Demossville, on the Kentucky Central Railroad, to Gardenersville, in Pendleton county, to commence at Demossville, and thence along the most practicable route to be selected and decided upon by the commissioners hereinafter named, to the town of Gardenersville.

§ 3. That books for subscription of stock in said company may be opened at any time or place after the passage of this act, under the supervision of E. W. Linn, Wm. F. Clark, Merit Valandingham, B. N. Wilson, Wm. Gardener, Jno. Caldwell, Henry Caldwell, Wm. Golden, Richard Mann, A. J. Caldwell, Wm. Daugherty, and J. H. Caldwell, or any one or more of said persons, who are hereby constituted commissioners for that purpose. The subscribers for stock in said company shall sign the following obligation, to-wit: "We, whose names are hereto subscribed, hereby obligate ourselves to pay to the president and directors of the Demossville and Gardenersville Turnpike Road Company fifty dollars, for each share of stock in said company hereto subscribed by us." The number of shares so subscribed by each person shall be designated opposite each subscriber's name; and said subscription shall be made in a book in which said obligation shall be written; but said commissioners, or those acting, or the president and directors of said company, after the same is organized, may receive subscriptions of stock to said company in real estate, rock, lumber, or other personal property, which shall be valid and binding; and the amount in value of said subscription shall be expressed in the respective subscriptions; and if the property is not surrendered or delivered on demand of the said company, the value thereof in money, as expressed in the subscription, may be collected of the subscribers.

§ 4. As soon as fifteen hundred dollars shall be subscribed to the stock of said company, it may be organized; and to this end the said commissioners, or those acting, shall give notice to the subscribers of stock of the time and place of electing officers for said company, which shall be a president and six directors; the time and place of said election shall be stated in said notice, and said notice must be given at least ten days before the day of election. After the first election of said officers, the time and place of the election of said officers shall be fixed by said president and directors. Each stockholder shall be entitled to one vote for each share of stock owned by him or her, which may be cast in person or proxy. No one but a stockholder shall be an officer in

1871. said company. The president and directors shall each take an oath faithfully to perform their duties as such, which shall be certified by the officer administering it, and filed with the papers of the company; and said officers shall serve for one year, and until their successors are elected and qualified. If any vacancy shall occur during the year from death, resignation, or any other cause, said vacancy may be filled by the remainder of the directors, if they deem it necessary.

§ 5. The capital stock of said road shall not exceed fifteen thousand dollars, to be divided in shares of fifty dollars each.

§ 6. The said company may, after it is organized, keep open the book for additional subscription of stock in said company.

§ 7. The president and directors may appoint a treasurer and clerk, and prescribe their duties, fix their compensation, and may remove them at pleasure; said treasurer and clerk shall give bond, with good security, honestly to account for all moneys that may come into their hands, and for the faithful performance of their duties, which bond shall be filed and kept with the papers of said company. The said president and directors may appoint a superintendent, agent, or engineer to superintend the construction of said road, and its maintenance afterwards, and may appoint gate-keepers, and such other employee as they may deem necessary.

§ 8. The president and directors may let out for construction any portion of said road as soon as fifteen hundred dollars is subscribed, and may continue to let out for construction other portions of said road as soon as they have sufficient subscriptions of stock to build the portions let out, and may thus continue until said road is completed; and as soon as two and one half miles of said road are finished they may erect a toll-gate and collect toll for that portion of said road completed; the charges for toll on said road shall be in conformity with the general law of this State regulating tolls on turnpikes, and they shall only be allowed to charge toll on said turnpike in proportion to the distance traveled, and only for so much of said road as shall be completed and in good repair for traveling.

§ 9. The said company may receive releases for right of way for said road, and ground for rock quarries and toll-houses by consent or purchase; and if they deem it necessary they may, by proceeding instituted in conformity with the existing laws of this State on the subject of turnpike and plank roads (*Revised Statutes, chapter 103, and amendments thereto*), condemn land for right of way over which said road may be located, and ground for toll-gates

and toll-houses and rock quarries, just compensation being paid the owners therefor, to be assessed by a jury empaneled for such purpose according to law as aforesaid. 1871.

§ 10. The width and grade of said road shall be determined by said president and directors, as also that portion to be covered by metal or stone, and the thickness thereof. Any person who shall unlawfully obstruct said road shall be subject to a fine of not less than five, nor more than fifty dollars therefor, which shall, when collected, be for the use of said company, and shall be recoverable as other fines are recoverable by law; said president and directors may pass by-laws fixing the fines for a failure to pay toll, or for an evasion of toll on said road, which may be recovered as other fines of a similar amount are recovered under the laws of this Commonwealth, and be for the use of said company.

§ 11. The president and directors of said company shall prescribe in what installments the subscriptions of stock shall be paid, and the rules adopted by them shall be binding on the subscribers of stock.

§ 12. This act to take effect from its passage.

Approved March 14, 1871.

CHAPTER 1561.

AN ACT to repeal all acts declaring the Bayou de Chein a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That "An act declaring the Bayou de Chein, in Hickman county, a navigable stream, from the town of Moscow to Caldwell's Mill," approved February 24th, 1834, and so much of "An act to declare the Bayou de Chein, Obion, and Mayfield creek, navigable streams," approved January 14, 1830," as relates to the Bayou de Chein, be, and the same are hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved March 14, 1871.

CHAPTER 1562.

AN ACT to Incorporate the Monterey and New Columbus Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be, and is hereby, incorporated, to construct a road on the macadamized plan, from

1871. Monterey, Owen county, to the Lexington and Covington Turnpike, beginning at Monterey, running the nearest, best, and most practicable route, crossing Main Eagle creek at or near Lee's old mill; thence by way of New Columbus to the Lexington and Covington Turnpike Road, at or near the junction of what is known as the Old Frankfort Road; said company shall be known by the name and style of the "Monterey and New Columbus Turnpike Road Company;" and by that name and style may sue and be sued, plead and be impleaded, contract and be contracted with; may have and use a common seal, break, alter, or amend the same at pleasure.

§ 2. The capital stock of said company shall be forty thousand dollars, which may be increased or diminished at the pleasure of the company, and to be divided into shares of twenty-five dollars each.

§ 3. That W. H. Walker, Thomas B. Ford, J. S. Head, Dr. Joseph Lee, A. J. Jackson, J. L. Gaines, J. A. Wilson, Dr. H. Trigg, J. W. Ireland, T. M. White, James Munson, and S. A. Hudson, be, and are hereby, appointed commissioners, whose duty it shall be to open books for the subscription of stock in said company, at such times and places as they may designate; and as soon as five thousand dollars is subscribed, they shall give ten days' notice at the most public places on the line of the road or its vicinity, of a meeting of the stockholders for the purpose of electing a president and five directors for said company; and the management of the fiscal and prudential affairs of said company shall be confided to said president and directors, and their successors in office, to be chosen annually by the stockholders, at such times and places as said president and directors may appoint, and who shall continue in office for one year, and until their successors are elected and qualified.

§ 4. That no person shall be eligible to the office of president or director who is not the owner in his own name of one or more shares of stock in said company.

§ 5. Said president and directors shall have power to appoint a treasurer, gate-keepers, and all other officers or agents deemed necessary to effect the purposes of this act, and remove the same at pleasure; and they may require of such treasurer, agents, or other officers, bond and security in such penalties as they require, conditioned for the faithful discharge of such duties as may be incumbent on them as such.

§ 6. The commissioners herein appointed shall procure a suitable book or books for the subscription of stock in said company; and each subscriber shall enter into the following obligation in said book, viz: "We, whose names are hereto subscribed, do promise to pay to the president and

directors of the Monterey and New Columbus Turnpike Road Company the sum of twenty-five dollars for each and every share of stock in said company set opposite to our names, in such manner and proportions, and at such times as shall be required by them under the law incorporating said company, to be collected as other debts. Witness our hands this — day of ———, 18—."

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§ 7. That said road shall not be less than thirty feet wide; the width of the grade shall be at least twenty feet, and the metal not less than twelve feet wide; and shall be graded to an elevation not exceeding five degrees in any part thereof; and when five continuous miles of said road are completed, the company may erect a toll-gate thereon, and charge tolls thereat at a rate of toll not exceeding that now authorized by law on roads made under the general turnpike road laws of this State.

§ 8. That the president and directors of said company shall have the right and power to acquire the right of way for said road, and of earth, stone, gravel, and timber necessary for its construction by voluntary concession and release, or by private contract with the land-holders: *Provided, however,* That if the right of way, and if material cannot be had as above indicated, it shall be obtained in the manner prescribed by an act of the General Assembly of the Commonwealth of Kentucky, approved February 22, 1836, for condemning lands and materials for the construction of turnpikes, bridges, &c.; and said act of the General Assembly is hereby adopted as part of this charter, and to be as effectual as if the same was here inserted at full length.

§ 9. When any stockholder shall have fully paid up his subscription of stock, it shall be the duty of the president of said company to issue to all persons entitled thereto a certificate of stock, attested by the secretary of said company.

§ 10. The provisions of the most favored charter shall apply to this charter in the same manner and to the same extent as if embraced herein.

§ 11. This act shall take effect from and after its passage.

Approved March 14, 1871.

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CHAPTER 1564.

AN ACT to amend the Road Law of Henderson, Union, Taylor, and Grayson Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road law of Henderson, Union, Taylor, and Grayson counties be, and the same is hereby, so amended as to authorize the presiding judges of the said counties, or any of them, to require persons, liable to work on roads under the general road laws of this Commonwealth, and who live within one mile of any new road which is ordered to be opened, to assist in opening said road when notified, as provided in said act; and any part of said act in conflict with this amendment is hereby repealed.

§ 2. That this act shall take effect from and after its passage.

Approved March 14, 1871.

CHAPTER 1565.

AN ACT to authorize the sale of the Poor-house Property in Boyle County, and to reinvest the proceeds in a more suitable place in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the county court of Boyle county be, and he is hereby, authorized and empowered to sell and convey all the poor-house property in said county, and reinvest the proceeds of the same in other property for like purposes in a more convenient locality in said county: *Provided, however,* That no such sale or reinvestment shall be made by said county judge without first obtaining the advice and consent thereto of a majority of all the justices of the peace in and for said county.

§ 2. This act shall take effect from its passage.

Approved March 14, 1871.

CHAPTER 1566.

AN ACT to authorize the County Court of Taylor County to sell a part of the Court-house lot in Campbellsville for certain purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Taylor county, a majority of the justices concurring therein, be, and the same is, authorized to sell or dispose of any part of the court-house lot or public grounds in Campbellsville, Kentucky, as may

be necessary to erect a suitable number of law offices; or said court may, in its discretion, authorize the erection of such offices without a sale of the property.

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§ 2. This act shall take effect from its passage.

Approved March 14, 1871.

CHAPTER 1567.

AN ACT amending an act, entitled "An act to amend an act incorporating the Bardstown and Bloomfield Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That nothing in an act approved January 26th, 1869, entitled "An act to amend an act incorporating the Bardstown and Bloomfield Turnpike Road Company," shall authorize said company to sell the interest or stock owned in said road by the county of Nelson, which was subscribed to the capital stock of said road company by the county court of said county; but the said county court, a majority of the justices concurring therein, may sell and transfer the capital stock subscribed by said court in said road company.

2. This act shall be in force from its passage.

Approved March 14, 1871.

CHAPTER 1568.

AN ACT to incorporate Dreaming Creek Turnpike Road Company, in Madison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the Dreaming Creek Turnpike Road Company, for the purpose of making an artificial road from a point on the Richmond, Otter Creek, and Boonsboro Turnpike Road, at or near Wm Guess's blacksmith shop, and running thence to the Richmond, Union, and Muddy Creek Turnpike Road, somewhere in the direction of Union Church. The following persons are appointed commissioners to receive subscription of stock, viz: Jo. Gentry, Samuel Reed, David Noble, William Collins, Wm. Guess, and Pearson Parks.

§ 2. The capital stock of said company, and the shares into which such capital stock shall be divided, shall be regulated by the commissioners above named, and may

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be diminished or enlarged by the president and directors, from time to time, as the exigencies of the case may require.

§ 3. The books for the subscription of stock in said company shall be opened at such times and places, under the direction of the commissioners above named, as they may deem proper.

§ 4. So soon as a sufficient amount of stock shall be subscribed to justify a commencement of said road, the commissioners aforesaid, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and three directors, who shall hold their office for one year, or until their successors are elected and qualify. That upon the election and qualification of said president and directors of said company, they shall be a body-politic and corporate, by the name and style aforesaid; and by said name shall have perpetual succession; may sue and be sued; hold, acquire, and convey all necessary real or personal property, for the purpose of constructing said road and keeping it in operation; and have all other privileges and franchises incident to a corporation.

§ 5. That the county court of Madison is hereby authorized to take stock in said road not to exceed the amount per mile which said county court now has the authority to subscribe by law to turnpike roads; and said county court is hereby authorized and empowered to levy a tax for the amount of stock which they may so subscribe, and shall be collected according to the way made and provided by the existing laws of this State.

§ 6. When two miles of this road is completed, it shall be lawful for said company to put up a gate and exact half toll.

§ 7. That all the provisions of an act, entitled "An act to incorporate the Danville and Hustonville Turnpike Road Company," approved March 1st, 1844, except so far as they may be local in their application, or come in collision with the provisions of this act, be, and the same are hereby, made a part of this act, and shall have the same force and effect as if fully inserted herein and enacted at length.

§ 8. This act shall take effect from its passage.

Approved March 15, 1871.

CHAPTER 1569.

1871.

AN ACT to incorporate the West Paris Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That W. H. Wainwright, Matthew Turney, James Arnold, James Thomas, J. H. Brent, and Daniel Turney, and their associates, be, and are hereby, created a body-politic and corporate, under the name of "The West Paris Bridge Company;" and by that name they may have regular succession; may contract and be contracted with, sue and be sued, and have all corporate incidents necessary to effectuate the objects of this act, as set forth in the second (2d) section thereof.

§ 2. Said corporation is hereby authorized to construct a bridge and its approaches over and across Houston creek, within the limits of the city of Paris, Bourbon county, Kentucky, between the Kentucky Central Railroad bridge and a large elm tree standing in J. H. Brent's yard, near the banks of said creek.

§ 3. The persons named in the first section of this act shall, within thirty (30) days after the passage thereof, hold a meeting at some place in the city of Paris, and elect a chairman and secretary, and said chairman shall then appoint a committee to solicit and receive subscriptions for carrying out the objects of this incorporation.

§ 4. Within thirty (30) days after said meeting the chairman thereof, by notice in writing, shall call together the subscribers, who shall thereupon proceed to organize said company by electing such officers and framing such by-laws as may, in their opinion, be necessary to effect the objects contemplated by the second section of this act.

§ 5. The said company, when organized in the manner prescribed by the 4th section of this act, shall be authorized to acquire, by gift, purchase, or condemnation under a writ of *ad quod damnum*, all lands necessary for the construction of said bridge and its approaches.

§ 6. All subscriptions under this act shall be due as soon as said company shall be organized under said fourth (4th) section; and each subscriber shall, when called upon by the person for that purpose selected under the 4th section, pay the whole or such part of his subscription as shall be demanded.

§ 7. Each subscriber to the amount of twenty-five (25) dollars shall be entitled, in the organization of said company and the election of its officers under the 4th section, to one vote, and those who have subscribed more than twenty-five (25) dollars shall be entitled to one additional vote for every fifty (50) dollars in excess of said \$25.

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§ 8. The county court of Bourbon, a majority of the justices of said court concurring, and the city council of Paris, a majority of said council concurring, may at any time subscribe in aid of said company any sum, in their discretion, not exceeding two thousand dollars (\$2,000), for either county or city; and when so subscribed by either county or city, the same shall be a debt against the said county or city, to be paid at such time as the terms of said subscriptions shall specify.

§ 9. The said company may, when said bridge is completed, transfer the same to either the city of Paris, the county of Bourbon, or the Paris and Ruddle's Mills Turnpike Company; and whenever said transfer shall be complete by the justices of the county, the city council, or the turnpike company's directory accepting the same, then the corporation hereby created shall cease to be such, and be no longer responsible as such, except in cases where their liability was incurred or created previous to said transfer.

§ 10. This act shall take effect from its passage.

Approved March 15, 1871.

CHAPTER 1570.

AN ACT to Incorporate the Mount Eden and Camdenville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed and created a body-politic and corporate, with powers of perpetual succession, by the name and style of the Mount Eden and Camdenville Turnpike Road Company, for the purpose of constructing a turnpike or gravel road from Mount Eden, in Spencer county, to Camdenville, in Anderson county.

§ 2. The capital stock of said company shall be fifteen thousand dollars, with the privilege of increasing the same to not more than double that sum, to be divided into shares of twenty-five dollars each, which may be paid in money or in labor.

§ 3. That Daniel McMullen, James Harrison, Burk Reid, Hardin Clark, Wm. F. Reinheart, Elijah Orr, N. Harris, J. Sutherland, J. Best, A. T. Hancock, and B. B. Bennett, are hereby appointed and created commissioners, for the purpose of obtaining subscriptions to the capital stock of said road, any two of whom may open books for that purpose, at such times and places as they may prefer; when the sum of three thousand dollars (\$3,000) shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners, or a majority of them, to give ten days' notice to the stockholders to meet at Mc-

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Mullen's Mill for the purpose of electing a president and three directors, who shall be the officers of said company. One vote shall be allowed for each share of stock; and such president and directors shall continue in office until their successors are elected and qualified. After the first election the officers shall be elected annually, at such time and place as may be fixed at the first meeting of the stockholders.

§ 4. So soon as said company is organized by the election of officers, the president and directors shall be a body-politic and corporate, under the name and title of the Mount Eden and Camdenville Turnpike Road Company; and by said name shall have perpetual succession, and all the privileges and franchises incident to such corporations, and the right to sue and be sued, and do all lawful acts to effectuate and manage the said road.

§ 5. The said president and directors shall have power to fix and regulate the elevation and grade of said road, the width and portion thereof to be covered with stone or gravel; and shall adopt the straightest and most practicable line for its location—that route being preferred which is cheapest and of the best grade—and to this end they shall have the right to employ an engineer, who may, with surveyors and chain-carriers, enter inclosures or other lands, and also examine quarries, beds of stone, and take with them all materials necessary to the construction of the said road.

§ 6. That sections four, five, eight, and nine of the charter of the Mount Eden and Van Buren Turnpike Road Company, approved March 10th, 1870, are made part hereof as fully as if copied and incorporated herein.

§ 7. That those subscribing to the capital stock of this company shall enter into the following obligation: "We, whose names are hereto subscribed, do respectively promise and bind ourselves to pay to the president and directors of the Mount Eden and Camdenville Turnpike Road Company the sum of twenty-five dollars (\$25) for each share of stock set opposite our names, in such proportions and at such times as the said president and directors may require."

§ 8. This act shall take effect from its passage.

Approved March 15, 1871.

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CHAPTER 1571.

AN ACT to amend an act, entitled "An act to amend the Concord and Tollsboro Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the president and directors of the Concord and Tollsboro Turnpike Road Company are hereby authorized and empowered to issue the bonds of said company in amounts not to exceed one thousand dollars per mile, and not to draw interest at a greater rate than ten per cent. per annum; and they may sell or dispose of the same at par to aid in the construction of the unfinished part of said road; and they may collect and use the taxes now authorized to be collected by their charter, and the amendments thereto, and the tolls arising from the travel on the finished portions of the same, after keeping the road in repair, in paying off and discharging the principal and interest of said bonds.

§ 2. The president and directors of said road shall, annually, on the first day of June, or the day after, if said day shall fall on Sunday, in each year, make a full settlement with the county judge of Lewis county, showing the gross amounts which have come to their hands from all sources, particularizing the amounts from different sources, for the purposes of said road; and they shall show how they have used and disposed of the same; and they shall produce and file vouchers for each and every amount used or paid out by them, signed by the person or persons to whom it is paid, or his or their authorized agent. The first settlement under this act shall show the whole amount of gross assets which have come to the hands of said company from the commencement of the work, and how the same have been expended, as herein set forth. The county judge of said county shall return said settlements so made by him to the clerk of the Lewis county court, who shall record the same in a book to be kept by him. The judge and clerk shall receive the same compensation for making and recording said settlements as they now receive for making and recording settlements of deceased estates, to be paid them by the company.

§ 3. This act shall take effect and be in force from its passage.

Approved March 15, 1871.

CHAPTER 1572

1871.

AN ACT to amend an act, entitled "An act for the benefit of the County School Fund of Pendleton County," approved March 21, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Pendleton county, a majority of the justices in commission being present and concurring, shall be, and is hereby, authorized and empowered to elect five trustees of the fund known as the "Pendleton County Seminary or School Fund," of said county, at the May term, 1871, of said court, and every three years thereafter, to take charge of and manage said fund, and the buildings now held by the trustees, or hereafter erected; said trustees shall hold their offices for three years, and until their successors are elected and qualified; and in case a vacancy shall occur in said board by death, resignation, removal, or otherwise, the presiding judge of said county court shall fill the same by appointment until the next regular election.

§ 2. It shall be, and is hereby made, the duty of the presiding judge of said county court, at the June term thereof, 1871, to appoint a committee of three sober and discreet citizens of said county to audit and settle the accounts of the old trustees of said fund, which settlement, when made, shall be reported to said court, at a called term thereof, which shall be designated and fixed by said judge at the time such committee is appointed; and such settlement, when made, shall be spread upon the records of said court as in case of settlements made with administrators and other fiduciaries.

§ 3. It shall be the duty of said committee to give to the old trustees of said fund at least ten days' written notice of the time and place of meeting to make such settlement; and in case said trustees, or any of them, fail or refuse to attend, or after attending fail or refuse to proceed with such settlement, it shall be the duty of said committee to report the fact to the presiding judge of said court at the next ensuing term thereof, and a rule shall thereupon be issued against such delinquent party or parties, requiring his or their attendance upon a day and at a place named therein, to make such settlement; and a compliance with such rule may be enforced by attachment, or other process for contempt, as the case may require.

§ 4. It shall be the duty of said presiding judge, at the regular term of his court next preceding the time of holding the court of claims for said county in each year after the year 1871, to appoint a committee as provided in the second section of this act, who shall possess the same powers, and proceed in the same manner, as herein be-

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fore stated, except that they shall make their report to the next ensuing court of claims for said county.

§ 5. That said court shall have power, by attachment or other appropriate process, to compel the payment of any money ascertained to be in the hands of the old trustees, or the transfer or delivery of any property held by them, or subject to their control; but in all cases such money or property shall be receipted for by the trustees, or their successors elected under the provisions of this act; but nothing herein contained shall be so construed as to prevent the bringing of any suit, in the name of said county, against said old trustees for the recovery of any money or property remaining in their hands after the election and qualification of the trustees herein before provided for.

§ 6. That this act shall take effect from and after its passage.

Approved March 15, 1871.

CHAPTER 1573.

AN ACT to incorporate the Big Eagle and Connersville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. F. Pack, J. E. Emison, William Hall, S. T. Connelles, R. Reed, J. W. Penn, A. P. Boyer, and William Penn, be, and they are hereby, created a body-politic and corporate, under the name and style of the Big Eagle and Connersville Turnpike Company, for the purpose of building a turnpike road from or near Hartwood Church, in Scott county, to intersect the Cynthiana, Connersville, and Scott County Turnpike; and for this purpose said company shall have all the powers and privileges incident to such corporations.

§ 2. The capital stock of said company shall not exceed thirty-five thousand dollars, and shall be divided into shares of fifty dollars each; and the foregoing corporators are authorized to open books and receive subscriptions at any time and place they may select; and when the sum of five thousand dollars is subscribed, they may call together the stockholders, and hold an election of officers of said company, to consist of six directors, who shall, when elected, choose one of their number as president. They may also elect a secretary and treasurer, and require the treasurer to execute a bond, to be approved by them.

§ 3. The provisions of the Revised Statutes concerning turnpike companies, not inconsistent with this act, are made parts hereof.

§ 4. This act to be in force from its passage.

Approved March 15, 1871.

CHAPTER 1574.

1871.

AN ACT to amend an act, entitled "An act incorporating Sherburne Bridge Company," approved March 9th, 1854.

WHEREAS, By the provisions of the 9th section of an act, entitled "An act incorporating Sherburne Bridge Company," approved March 9th, 1854, the board of directors of said company are authorized to obstruct the ford over Licking river, at Sherburne; and whereas, to do so would interfere with the navigation of said river, and with access to it for water; now, to remedy said difficulty,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of said 9th section of said act incorporating Sherburne Bridge Company as authorizes the board of directors of said company to obstruct the ford over Licking river at Sherburne, be, and hereby is, repealed; and in lieu thereof it is enacted, that no person or persons, other than those provided for in the proviso of said section, shall, after traveling any road on either side of said river, ford said river, or cross it otherwise than over the bridge erected by said company, and thus avoid the payment of the tolls over said bridge; and if any person violates the provisions of this act, he shall be fined five dollars for each offense, to be recovered by a warrant before a justice of the peace; and the same shall be to the use of said county.

§ 2. This act shall be in force from its passage.

Approved March 15, 1871.

CHAPTER 1575.

AN ACT authorizing the County Judge of Logan County to appropriate money to keep in repair the Turnpike Roads in Russellville District, in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the county judge of Logan county, and he is hereby authorized and empowered, to make an annual appropriation of a sum of money, not exceeding six hundred dollars, out of the county levy of said county, for the purpose of keeping the turnpike roads in the Russellville district, in said county, in repair: *Provided*, The Russellville District Turnpike Road Company will not erect toll-gates or collect toll on said roads within one year after each of said appropriations: *And provided*, Said annual appropriation shall, in the discretion of said county judge, be necessary to keep said roads in

1871. thorough repair; and whenever said county judge shall make any appropriation under this act, it shall be his duty to appoint some suitable person to expend the same.

§ 2. This act to take effect and be in force from and after its passage.

Approved March 15, 1871.

CHAPTER 1576.

AN ACT for the benefit of Common School District No. 31, in Bullitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby levied on the taxable property in school district No. 31, in Bullitt county, Kentucky, a tax not exceeding twenty cents on the one hundred dollars, to be collected and applied for the sole purpose of keeping up a school or schools in said district: *Provided, however,* Before this act takes effect it shall be ratified, and the amount of tax to be fixed by the qualified voters of said district, including widows with children, at an election, the time and place of which shall be fixed by the school trustees, after notice of not less than ten days by posters in at least three public places; and if a majority shall vote for the same, the said trustees shall have authority to levy a tax for same, and provide for its collection in any manner authorized by the laws of the State in collection of State and county taxes and dues.

§ 2 This act shall take effect from and after its passage.

Approved March 15, 1871.

CHAPTER 1577.

AN ACT for the benefit of M. H. Johns, of Lawrence county.

WHEREAS, On the 4th day of January, 1870, a *ven. ex.* issued from the Franklin circuit court in favor of the Commonwealth of Kentucky against John H. Allison, and his sureties in his official bond as sheriff of Lawrence county; and whereas, the lands of M. H. Johns, one of the sureties of said Allison, was, on the 21st day of February, 1870, sold under said *ven. ex.* for the price of twelve hundred and fifty dollars, at which said sale one John Harkins, acting as Auditor's Agent, became the purchaser at the price aforesaid; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1871.

§ 1. That the further time, until the first day of June, 1871, be given to said M. H. Johns to pay said sum of money, with its interest and attendant cost, including attorney's fees, into the Treasury of this State; and upon the payment thereof the title of said land so sold lying in Lawrence county, Kentucky, shall invest in said Johns, and all damages upon said sale shall be remitted; and if, at or before said day, the full amount of the judgment upon which said *ven. ex.* issued is paid, and the attendant cost, including attorney's fees, then the damages on said judgment shall stand remitted.

§ 2. This act to take effect from its passage.

Approved March 15, 1871.

CHAPTER 1578.

AN ACT to incorporate the South Kentucky Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. D. McHenry, John P. Barrett, A. B. Baird, R. S. Mosely, W. D. Barnard, and Thomas Bell, of the county of Ohio; A. S. Winstead, Benj. Dawson, Barnett Johnson, Gilbert Skillman, Benj. Fields, Jesse Moseby, Dr. W. A. Hickman, of the county of Daviess; H. E. Lewis, J. D. Hatchitt, Larkin White, Chas. Eavis, R. T. Glass, J. C. Atkinson, F. W. Rentlinger, S. B. Vance, Jackson McClain, E. D. Powell, Richard Soaper, L. C. Dallam, J. E. McAlister, Geo. M. Priest, Robt. Dixon, sr., E. W. Worsham, J. C. Stapp, Geo. W. Smith, G. P. Lilly, Thos. W. Powell, T. M. Jenkins, L. W. Trafton, Isham Johnson, S. H. Lambert, and Jno. R. Wilson, of the county of Henderson; I. A. Spalding, Thos. B. Young, Thomas Conway, Wm. Waller, James B. Blue, R. P. Brashears, Thos. McMurry, J. D. Howell, Samuel Patrick, Daniel McKinney, Samuel M. Taylor, John S. Geiger, R. A. Spalding, Len. Clements, Hiram McElroy, jr., Samuel P. Spalding, Geo. N. Proctor, E. G. Taylor, Geo. W. Riddle, and Lewis Harris, of the county of Union; Jno. T. Whitledge, Jas. Thomas, Wm. S. Scott, Lipford R. Dunville, A. Thornsberry, and Wesley Parker, of Webster county; Dr. A. O. Ayer, Jno. W. Belt, Jno. Crow, Henry Brown, Levi Howard, Henry Griffith, Ben. Johnson, Geo. Little, G. L. Gates, Isaac Calhoun, A. C. Tanner, Jno. W. Johnson, of McLean county, be, and they are hereby, appointed commissioners and incorporators, under the direction of whom, or any three of whom, in each of said counties, subscriptions may be received to the capital stock of the

Corporators' names, and corporate powers.

1871. South Kentucky Railroad Company, which is hereby incorporated; and they may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the time and places of opening the same as they may deem proper; and if such subscriptions to the capital stock of said company as is necessary to its incorporation shall not have been obtained, said commissioners, or a majority of them, may cause said books to be opened, from time to time, and may adjourn to such places as they may deem expedient, until the sum necessary for its incorporation shall be subscribed: *Provided*, That any subscription tendered at any time or place other than that advertised, may be received by said commissioners, or any one of them; and if accepted by them, or any one of them, shall be as valid and binding against the party subscribing as if received at the time and place advertised; and if any of said commissioners shall die or resign, or refuse to act, during the continuance of the duties devolved on them by this act, others may be appointed in his or their stead by the remaining commissioners, or a majority of them acting as such.

Route of road.

§ 2. That the South Kentucky Railroad Company is hereby authorized and empowered to construct a railroad and operate the same, with single or double track, and such turn-outs and switches, and of such width of gauge, as the directors may deem proper—commencing on the line of the Elizabethtown and Paducah Railroad, in the vicinity of Hartford, in Ohio county; thence through or near the town of Hartford, and through Ohio county, to the line of Daviess or McLean county; thence through either or both of said counties and the county of Henderson or Webster, or both; and thence through Union county and to the Ohio river, in Union county, or in Crittenden or Livingston county, or to the line of some other railroad in either of said counties; and the said company are authorized to build and construct a bridge over and across Green river, at such point as they may cross the same, on the same terms and under the same limitations and conditions prescribed in the charter of Elizabethtown and Paducah Railroad Company, and the amendments thereto.

Capital stock.

§ 3. That the capital stock of said South Kentucky Railroad shall be one million of dollars, in shares of fifty dollars each, which may be subscribed by any individual or corporation, and as soon as one thousand shares of said stock shall be subscribed, the subscribers, their successors and assigns, shall be, and they are hereby declared to be, incorporated into a company, by the name of the South

Kentucky Railroad Company; and by that name shall be capable of purchasing, receiving by gift or as payment for stock, holding, selling, leasing, and conveying real estate and personal property, so far as the same may be necessary for the purposes of this corporation, and shall have perpetual succession; and by said corporate name may sue and be sued, contract and be contracted with; and may have and use a common seal, and alter and renew the same at pleasure; and shall have and enjoy all the privileges which other corporate bodies may lawfully have.

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§ 4. That there shall be paid, at the subscribing for stock in said company, to the commissioner or commissioners receiving such subscriptions, the sum of \$5 on each share, to be paid in money or in a note or notes negotiable and payable to some one or more of said commissioners, at not more than sixty days, at some bank in this State; and the residue thereof shall be paid in installments, at such times as may be required by the board of directors of said company: *Provided*, No payment shall be demanded until at least thirty days' notice of such demand shall have been given by said board of directors, by publication in some one or more papers published in the counties through which the road passes, nor shall more than fifty per cent. be demanded in any one year; but if the exigencies of the company should require more money than can be demanded of the stockholders as provided herein, it shall be lawful, a majority of all the directors elected concurring therein, to borrow on the credit of said company a sum not exceeding one hundred thousand dollars; and if any subscribers shall fail to pay any installment or part of an installment of said subscription when demanded, according to the provisions of this section, the same may be recovered by an action in the name of said corporation against such delinquent subscribers before any court having jurisdiction of such cases; and in all such actions it shall not be necessary to prove any other demand than the publication provided for in this section; or in case such failure to pay any installment or part of an installment of said subscription demanded according to the provisions of this section, shall continue for the space of sixty days after the time the same is required by such demand to be paid, the board of directors may, in their discretion, order the same to be forfeited to the company, and may, if they think proper, sink it for the benefit of the company; but said board of directors, by a majority of the whole, may remit any such forfeiture on such terms as they may think proper: *And provided further*, That it shall be lawful to receive subscriptions to the capital stock of said company payable in contracts well secured, to build such parts of

Payment of
stock.

1871. the road or to perform such work or furnish such material as may be accepted by the company.

When to organize.

§ 5. That at the expiration of the period for which the books are first opened, if five hundred shares of the capital stock shall have been subscribed, and if not, and as soon thereafter as the same shall be subscribed, said commissioners, or a majority of them, shall call a meeting at such time and place as a majority of them shall designate, giving at least twenty days' notice of the time and place in one or more papers published in one or more counties along the line of said proposed railroad; and at such meeting said commissioners shall lay the subscription books before the subscribers then present; and thereupon said subscribers, or a majority of them then present, shall have power to elect seven directors to manage the affairs of said company; and these seven directors, or a majority of them, shall have power to elect a president of said company, either from among the directors or any other stockholders, and to allow such compensation for his services as they may think proper; and in such elections, and on all other occasions when a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share of stock owned by such voter; and any stockholder may, in writing, depute any other person to act as proxy for it, him, or her; and said commissioners aforesaid, or any three of them, shall be the judges of said first election.

Annual elections.

§ 6. That to continue the succession of the president and directors of said company, seven directors shall be chosen annually on the first Tuesday in June of each year, at such place as the president and directors may appoint by the stockholders of said company: *Provided*, That the president and directors may change the time and place of holding elections, upon publishing such change not less than thirty days prior to the elections in the papers aforesaid; and that the directors of said company, or a majority of them, shall have the power to appoint judges of all elections, and to elect a president of said company, either from among themselves or other stockholders, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur by death, resignation, or refusal to act of any president or director before the year for which he was elected shall have expired, a person to fill such vacancy shall be appointed by the president and directors, or a majority of them; and that the president and directors of said company shall hold and exercise their offices until a new election of president and directors; and all elections which are by this act, or by the by-laws of said company, to be made at a particular time, if not made at such time, may

President to be elected.

be made at any time thereafter, upon thirty days' notice published in the papers aforesaid.

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§ 7. That a general meeting of the stockholders of said company may be called at any time during the interval between the annual meetings by the president and directors, or a majority of them, or by the stockholders owning one fourth of all the stock subscribed, upon giving thirty days' notice of the time and place of holding the same, in the newspapers aforesaid; and when any such meeting is called by the stockholders, such notice shall specify the object of the call; and if at any such called meeting a majority in value of all the stockholders are not present in person or by proxy, the same shall be adjourned from day to day without transacting any business, for any time not exceeding five days; and if within five days stockholders having a majority in value of all the stock subscribed do not attend in person or by proxy, such meeting shall be dissolved.

General meeting of stockholders may be called.

§ 8. That the president and directors of said company in office for the preceding year shall, at the regular annual meeting of the stockholders, exhibit a clear and distinct account of the affairs of said company; that at any called meeting of the stockholders, a majority in value of the holders of the stock subscribed being present, may demand and require similar statements from the president and directors, whose duty it shall be to furnish such statements when so required; and that at all general meetings of the stockholders, a majority of them in value may remove from office the president, or any or all of the directors, and fill up the vacancies thus made in the same manner they could do at their annual meetings.

Annual statement of affairs of company to be made.

§ 9. That the president and directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment; and the said president and directors, or a majority of them, or a majority in value of the stockholders in said company, at any of the stated or called meetings of said stockholders, shall have power to elect or appoint a treasurer of said company, and to require and take of him a bond in such penalty, and with such security as they may prescribe, payable to said company, conditioned for the faithful keeping and disbursing of all such money as may come to his hands, and with such other conditions as may be prescribed, upon which bond recovery may be had for a breach of the conditions thereof by suit, in the name of the company, in any court having jurisdiction.

President and directors to take oath.

May appoint a treasurer, & take bond.

§ 10. That if any of the stock authorized by this act shall remain unsubscribed until the election of president

Books may be reopened.

1871. and directors, as provided for in this act, the said president and directors, or a majority of them, shall have power to open the books and receive subscriptions to the stock which shall remain unsubscribed for, or to sell and dispose of the same for the benefit of the company, not under the par value of such stock; and the subscribers or purchasers of such stock shall have all the rights of original subscribers, and be subject to the same regulations and liabilities.

May appoint
officers, agents,
&c.

§ 11. The said president and directors, or a majority of them, may appoint all such officers, agents, or servants as they may deem expedient for the business of the company, and may remove them at pleasure; that they, or a majority of them, may determine, by contract, the pay of such officers, agents, or servants, and regulate by by-laws the manner of adjusting all accounts against the company, and the extent of the liability of the company to its employees; that they shall have power to erect warehouses, work-shops, and other buildings or edifices necessary or convenient for the use of said company; that they shall have power to direct and regulate in what manner and by what evidence stock in said company may be transferred, and to pass all by-laws they may deem necessary or proper for exercising the powers hereby vested in said company, and for carrying into effect this act, and to alter the same at pleasure: *Provided*, The same shall not be contrary to the Constitution and laws of the United States or of this State.

Erect ware-
houses.

May increase
capital stock.

§ 12. That if the capital stock of said company shall be deemed insufficient for the purposes of this act, it shall be lawful for the president and directors to increase the same as much as they may deem necessary, not exceeding the sum of two million of dollars, giving notice as herein before required.

Powers vested
in company.

§ 13. That the president and directors of said company are hereby vested with all powers and rights necessary to the construction of said railroad, along such route as may be selected by the president and directors; and that they may cause to be made contracts with others for making said road, or any part of it; and that they, their engineers, &c., or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate any land which may be wanted for the site of said road, or the erection of warehouses or other structures, or works necessary and convenient to said road, or for its uses, or for any other purpose necessary or useful in the construction or repair of said road, or its works and appurtenances; and they may build bridges and construct tunnels: *Provided*, Such bridges shall not obstruct navigation on any navigable stream; and may

fix scales and weights; take and use timber, earth, gravel, stone, and other material necessary or useful in the construction or repair of said road. 1871.

§ 14. That the president and directors, or a majority of them, or their authorized agents, may agree with the owners of any land, earth, stone, timber, or other materials or improvements, which may be wanted for the construction or repair of said road, or any of their works, for the purchase, or the use and occupation of the same; and if they cannot agree, and the owner or owners of any of them be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie or be situated, application may be made to any justice of the peace of said county, who shall thereupon issue his warrant directed to the sheriff, or any constable of said county, requiring him to summon twenty discreet men not related to the owners, nor in any way interested, to meet on the land, or near the property or materials to be valued, on a day named in said warrant, not less than ten nor more than twenty days after issuing the same; and if, at the time and place, any of said jurors do not attend, said sheriff or constable shall forthwith summon as many jurors as may be necessary, with the jurors in attendance, and from them each party, or if not present by agent or otherwise, the sheriff or constable for the party absent, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; before the jury acts, the sheriff or constable shall administer to them an oath or affirmation that they will justly and impartially fix the damages which the owner or owners will sustain by the use and occupation of said property required by said company, and the jury in estimating the damages, shall find for the owner or owners the actual value of the land or other thing proposed to be taken, and additional fencing, ditching, &c., made necessary thereby; but in estimating damages resulting incidentally to the other land, or other property of such owner, shall offset the advantages to such residue to be derived from the building and operating of said road by, through, or near such residue. The jury shall reduce their verdict to writing, and sign the same, and it shall be returned by the sheriff or constable to the clerk of the county court of his county; and such clerk shall receive and file it in his office, and such verdict shall be confirmed by the county court at its next regular term, if no sufficient reason is shown by either party for setting it aside; and when so confirmed, it shall be recorded by the clerk at the expense of said company; but if set aside, the court shall direct another inquisition to be held by the sheriff of the county, in the manner

May agree with
owners of lands

Proceedings
in case of dis-
agreement.

1871. above prescribed; and every inquisition shall describe the property taken, or the bounds of the land condemned, and the duration of interest in the same valued for the company; and such valuation, when tendered or paid to the owner or owners of said property, or the sheriff of the county in which said inquest is held, when such owner or owners do not reside in such county, shall entitle said company to the land or interest in the same thus valued, as fully as if it had been conveyed to it by the owner or owners of the same; and the valuation of the same, if not received when tendered, may, at any time thereafter within one year, be received from the company, without cost of interest, by the owner or owners, his, their, or its legal representatives: *Provided*, That land condemned for road-way shall not be more than sixty feet wide, unless said company shall file with the justice, at the time of applying for a warrant, the affidavit of some one of its engineers, stating that a greater width is necessary, and how much more is required, when the inquisition shall be for the quantity thus stated.

May take and
use lands, &c.

§ 15. That whenever it shall be necessary for said company to have, use, or occupy any lands, material, or other property in order to the construction or repairing of said road, or their necessary works or buildings, the president and directors, or their agents, or those contracting with them for constructing or repairing the same, may immediately take and use the same, they having first caused the property wanted to be viewed by a jury formed as herein before prescribed; and it shall not be necessary after such view, in order to the use and occupation of the same, to wait the issue of the proceedings upon such inquest; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation or payment of said valuation.

Proceedings
when county
courts are re-
quested to sub-
scribe stock.

§ 16. That whenever the said South Kentucky Railroad Company shall request the county court of any county, through or adjacent to which it is proposed to construct said road, to subscribe, either absolutely or upon specified conditions, a specified amount to the capital stock of said company, the county court so requested shall forthwith order an election to be held at the several voting places in said county, on a day to be fixed by the court, not later than sixty days after making such order, and shall appoint judges and other officers necessary to hold said election.

Sheriff to give
notice to offi-
cers of election.

§ 17. That it shall be the duty of the sheriff of such county to give notice to the officers appointed to hold said election, in the same manner as is now provided by law in regard to other elections; and in case any of the offi-

cers appointed fail to attend or refuse to act, others may be appointed in the same manner as at general elections.

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§ 18. That the persons acting as sheriff at the several precincts shall return to the clerk of the county court, within three days after the day of such election, the poll-books of their respective precincts; and on the third day thereafter the county judge and county clerk shall count the vote; and if it shall appear that the majority of those voting voted in favor of the subscription of stock as proposed, the county judge shall order the vote to be entered on the record, and the subscription to be made by the clerk on behalf of the county, on the terms specified in the order submitting the question to a vote.

Sheriff to return to county clerk.

§ 19. That whenever the said railroad company shall request the county court of any county to do so, it shall be the duty of such court to submit to the qualified voters of any designated precincts in said county the question whether the court shall subscribe to the capital stock of said South Kentucky Railroad Company, on behalf of said designated precinct or precincts, the amount of stock specified in the request of said company, either absolutely or on such conditions as may be proposed by said company; said election shall be held on a day to be fixed by the court, not less than thirty or more than sixty days after the order is made, and shall be conducted by officers to be appointed by the court; and the poll-books shall be returned, and vote shall be counted and entered on the record of the county court, in the same manner as prescribed in section eighteen of this act. If a majority of all those voting in such designated precinct, or a majority of the aggregate votes cast in such designated precinct or precincts, shall be in favor of making such subscription, the court shall order the clerk forthwith to make the subscription on behalf of the precinct or precincts to which the question was submitted, and in accordance with the terms upon which it was submitted.

On request question to be submitted to voters.

§ 20. That whenever the city council of any city, or the board of trustees of any town, into or near to which it is proposed to construct said South Kentucky Railroad, shall be requested to do so, it shall be the duty of such city council or town trustees to submit to a vote of the qualified voters of such city or town, on a day to be designated by such council or trustees, not later than sixty (60) days after the application is made to them by said company, the question of subscribing for and on behalf of such city or town the amount of stock proposed by said company, on the terms proposed; and if a majority of those voting shall vote in favor of making such subscription, it shall be the duty of such city council or board of trustees to enter the vote on its records; and the mayor of such city,

Proceedings when city, &c., requested to take stock.

1871. or president of the board of trustees of such town, shall make the subscription in accordance with the vote.

Bonds to be
issued in cer-
tain cases.

§ 21. That if any county, city, or town, shall subscribe to the capital stock of said South Kentucky Railroad Company under the provisions of this act, it shall be the duty of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue the bonds of such county, city, or town, in denominations of not less than one hundred nor more than one thousand dollars in payment thereof, with coupons attached, under the seal of such county, city, or town; the bonds of the counties to be signed by the county judge and countersigned by the clerk, and the coupons to be signed by the clerk alone; the bonds of cities subscribing shall be signed by the mayor and countersigned by the city clerk or auditor, and the coupons to be signed by the clerk or auditor alone; the bonds of towns subscribing shall be signed by the president of the board of trustees and countersigned by the town clerk, and the coupons shall be signed by the clerk alone. Such bonds shall be negotiable and payable to bearer, in the city of New York, at not more than thirty years from their date, and shall bear interest at a rate not greater than eight (8) per cent, payable semi-annually, in the city of New York.

Election dis-
tricts may sub-
scribe stock, &
issue bonds.

§ 22. That if any election district or districts in any county shall subscribe to the stock of said company under the provisions of this act, it shall be the duty of the county court of such county to issue the bonds of such district or districts in payment thereof, in every respect as if such subscription had been made by the county, except that the bonds shall show on their face the district or districts for which they are issued; and such districts shall be alone bound to pay said bonds and their interest.

Levy tax to
pay bonds, &c.

§ 23. That in case any county, city, or town, or election district, shall subscribe to the capital stock of said South Kentucky Railroad Company, under the provisions of this act, and issue bonds for the payment of such subscription, it shall be the duty of the county court of such county, the city council of such city, and the trustees of such town, to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued; and the cost of collecting such tax, and paying the interest on all the real estate and personal property in said county, city, or town, subject to taxation under the revenue laws of the State, including the amount owned by residents of such county, city, or town, or election district, which ought to be given in under the equalization laws.

Duty of coun-
ty, city, &c., in
levying tax.

§ 24. That on levying a tax, as provided for in this act, to pay the interest on bonds issued by the county court of any county, whether for the whole or only a part thereof,

or of any city or town, it shall be the duty of the county court, city council, or town trustees making such levy to appoint three resident tax-payers of such county, or part of a county, city, or town, who shall be styled the Board of Commissioners of the Sinking Fund of such county, part of a county, city, or town. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn in the presence of the court, council, or trustees appointing them, faithfully to discharge their duties according to the best of their skill and judgment. They shall hold their office at the pleasure of the court, council, or trustees, by whom they are appointed. They shall immediately appoint one of their number treasurer, who shall execute bond, payable to the Commonwealth, with such security as shall be approved by the court, council, or trustees appointing the commissioners, conditioned for the faithful keeping and disbursing of all money coming to his hands as treasurer of such board, on which bond suit may be brought from time to time, by and in the name of such county, or part of a county, city, or town, or by any other person injured by any breach of his bond, in any court having jurisdiction of the sum claimed in such suit. Such treasurer may be required at any time to give a new bond; and any surety in such bond shall be entitled to the same remedies for procuring additional or counter-security as are now given to the sureties of guardians, administrators, &c. Said treasurer shall be allowed for his services such compensation on the money received and paid out by him as may be allowed by the court, council, or trustees appointing such commissioners, respectively. In case a vacancy shall occur in said board of commissioners, such vacancy shall be filled by the court, council, or trustees, by whom such board was appointed.

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§ 25. That taxes levied under the authority of this act, in any county or part of a county, shall be collected by the sheriff of such county; and the taxes levied in any city or town shall be collected by the officer of such city or town who is by law the collector of taxes levied for the ordinary purposes of such city or town; but before any sheriff or other officer shall be authorized to collect any such tax, he shall execute bond, if a sheriff, with such securities as may be approved by the county court, and if a city or town officer, with such surety as may be approved by the council or trustees of such city or town, conditioned that such officer will promptly and faithfully collect and pay over to the proper person within the time prescribed by law all taxes levied under this act which may be placed in his hands for collection.

Who to collect tax.

§ 26. That sheriffs and other officers having in their hands for collection taxes levied under this act, shall have

Powers of collecting officers.

1871. all the powers of distraining and selling personal property which sheriffs have in the collection of the State revenue; and when such officer shall be unable to find personal property liable to sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situated in the county, and sell the same under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on the real estate of the person taxed, which shall lie in the county in which such tax is levied; but the owner of any real estate sold may redeem the same at any time within five years after such sale, by paying the purchase money and ten per cent per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and ten per cent. per annum thereon.

Certificates of purchase to issue to purchasers of real estate for taxes.

§ 27. That sheriffs or other officers selling real estate for taxes levied under this act, shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, and state the amount for which it was sold and the date of sale, which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall record the same in a book to be kept for the purpose, and for which such clerk shall be entitled to charge a fee of fifty cents; and if such certificate is not recorded as herein provided, the land may be redeemed at any time within fifteen years, on paying the purchase money and six per cent. per annum thereon, and other taxes paid by the purchaser and six per cent. per annum thereon.

Compensation of collectors.

§ 28. That sheriffs and other officers collecting taxes under this act shall receive the same compensation as is allowed by law for the time being for collecting the State revenue.

When taxes to be collected & paid over.

§ 29. That one half of the tax levied in any one year shall be collected by the sheriff or other officer in whose hands the same is placed for collection, and paid over to the treasurer of the board of Commissioners of the Sinking Fund, within 120 days after the same is placed in his hands, and the residue within six months after the first ought to have been paid; and if any sheriff or other officer, whose duty it is to collect taxes levied under this act, shall fail or refuse to execute bond as required by this act, for thirty days after the tax is levied, he shall forfeit his office, and the court, city council, or board of trustees levying such tax, may appoint a collector, who shall execute bond with sureties, and have all the powers, and be subject to all the duties and liabilities of sheriffs and other officers in collecting taxes under this act.

§ 30. That if any sheriff or collector, or other officer having in his hands for collection taxes levied under this act, shall fail to collect and pay over the same within the time prescribed, such sheriff, collector, or other officer shall, with his sureties, be liable for the amount not paid as required, and ten per cent. thereon, to be recovered, on motion, on ten days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be repleviable, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

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Penalty if collectors fail to perform duty.

§ 31. It shall be the duty of the commissioners of the sinking fund to see that the sheriff or other officer collects and pays over taxes placed in their hands according to law, and institute legal proceeding against them on their failure to do so. They shall appropriate such moneys, when collected, to the payment of the interest on the bonds of their county, city, or town; they shall, whenever a dividend is declared by said South Kentucky Railroad Company, cause their treasurer to receive the same, and pay the interest on their bonds out of it; and when a surplus shall remain after paying the interest due, they shall apply such surplus to the purchase of their bonds, if they can be purchased at par or less than par; and if they cannot be purchased at par, they shall invest such surplus in some safe and profitable manner, and in such way that the money may be readily realized when needed to buy and pay off bonds.

Duty of commissioners to see that taxes are collected.

§ 32. That all dividends which shall be received upon the stock held and owned by any county, part of a county, city, or town, under this act, shall be, and are hereby set apart to be, held sacred as a sinking fund, to be only used, as provided in this act, for the payment of the principal and interest of the bonds issued under the authority of this act.

How dividends to be applied.

§ 33. That in case the dividends upon the stock held and owned under this act by any county, part of a county, city, or town, and for which bonds shall have been issued, shall not be sufficient to enable such county, city, or town to pay its bonds at maturity, it shall be the duty of the commissioners of the sinking fund to report such fact to the county court, city council, or town trustees, at least five years before the maturity of said bonds; and if any county court, city council, or the trustees of any town owing such bonds shall deem it proper to do so, they may issue new bonds, having not more than twenty (20) years to run, and payable at such place as may be designated on the face of such bonds, bearing the same interest, and secured in all respects as the bonds first issued are secured, and sell such bonds, or exchange them for the old ones: *Provided, however,* That if any county court, city council,

In case dividends are not sufficient to pay bonds at maturity.

1871. or town trustees shall deem it inexpedient to issue and sell such new bonds, or shall be unable to raise money necessary to pay off its bonds at maturity by sale of new bonds, it shall be the duty of such county court, city council, or town trustees to cause a tax to be levied and collected on all the property in such county, city, or town, which, by the provisions of this act, is subject to taxation, to pay interest sufficient, when added to any sum raised by sale of new bonds, to discharge the old bonds at maturity: *Provided also*, That any tax levied under the provisions of this section shall be collected by the same officers, under the same powers, and subject to the same responsibilities in every respect, as provided in the act in relation to the collection of taxes levied to pay interest.

Proceedings
in case direct
tax is levied.

§ 34. That in case a direct tax shall be levied to pay all or any part of the bonds of any county, part of a county, city, or town, issued under this act, at or before maturity, it shall be the duty of the commissioners of the sinking fund to cause to be transferred to the tax-payers or their assignees stock held by said county, city, or town to the amount of the tax paid, upon the delivery to said commissioners of tax receipts by the holders thereof; such receipts shall be negotiable by indorsement, and no stock shall be transferred for a less amount than fifty dollars (§50).

Treasurer to
give certificates
of stock for tax
receipts.

§ 35. That it shall be the duty of the treasurers of the several boards of commissioners of the sinking fund appointed under this act, upon the surrender to them at their respective offices of receipts given for taxes paid to defray the interest on the bonds of their respective counties, cities, and towns, prior to the time of declaring the first cash dividend by said railroad company, to the amount of fifty dollars (§50) or more, to issue to the holders thereof certificates, setting forth the number of shares of stock to which any holder is entitled, and to give a separate receipt for any fractional part of a share; which receipt shall be negotiable by indorsement, and may be added to other like receipts or tax receipts to make up a full share. The treasurer shall write or stamp the word "canceled" across the face of each tax receipt taken up by him, and file it away in his office; and he may charge and collect one dollar (§1) for each certificate issued by him. He shall keep a list of the names of those to whom he issues certificates, with the number of the certificate and the number of shares for which each was given; and shall, on the last day of each month, make out and forward to the secretary of the company a copy of the list of certificates issued during that month.

§ 36. That it shall be the duty of the said South Kentucky Railroad Company, after the first cash dividend shall

be declared, on presentation at his office of the stock certificates issued under the provisions of the last preceding section, to issue stock therefor to those to whom such certificates were issued, or their representatives or assigns.

1871.

§ 37. That the commissioners of the sinking fund shall keep an exact record of all their actings and doings as such; and their treasurer shall keep a strict account of all moneys received or paid out by him, and shall settle his accounts annually, or oftener if required; which settlement shall state fully his accounts since his last settlement.

Commissioners to keep record of proceedings.

§ 38. That all the real estate lying in any county, election district, city or town, issuing bonds under this act, shall be taxed for the purpose of defraying the interest on the bonds and the payment of the principal, if that shall be paid by taxation, whether the owner or owners of such real estate reside within said county, election district, city, or town, or not; and when a part only of the land of any tax-payer shall lie in such county, district, city, or town, the assessor of tax shall designate on his books what part lies within such county, district, city, or town, and its value; and only such parts shall be assessed for the purposes of this act.

Real estate to be taxed.

§ 39. That the commissioners of the sinking fund, or one of them, shall cast the vote to which their respective counties, districts, cities, and towns may be entitled, in any meeting of the stockholders of said South Kentucky Railroad Company: *Provided*, That if neither of them shall attend, then any person, duly authorized by any two of said commissioners, may cast the vote as proxy for said commissioners.

Who to cast vote of counties, &c.

§ 40. That the president and directors of said South Kentucky Railroad Company may, if it shall seem advisable to them, increase the capital stock of said company to a sum equal to the total cost of the road and its equipments, depots, water stations, &c.

May increase capital stock.

§ 41. That said South Kentucky Railroad Company shall be exempt from taxation until completed; and that it shall never be taxed at a valuation beyond the rate at which railroads are now taxed, and not exceeding its actual value.

Exempt from taxation until completed.

§ 42. That the president and directors of said company may, with the assent of the holders of a majority in value of the stock of said company, purchase and hold any other railroad in this or any other State; and may subscribe stock in, or aid in the building of, any other road in or out of this State, whenever, in their judgment, it may be to the interest of the South Kentucky Railroad Company to do so; they may sell the said South Kentucky Railroad,

May purchase other roads.

1871. or lease the same, and may build branches from such road and branches from such branches.

May receive donations.

§ 43. That said South Kentucky Railroad Company may receive donations of land or personal property, to be used for any of the purposes of said road, or to be sold to raise money to build the same; and may receive subscription, to be paid in land or other property, at a valuation to be fixed by such means as may be agreed upon between said company or its authorized agents and the subscriber; and may lease or sell and convey any land or other property so given or subscribed.

May consolidate with other roads.

§ 44. That said South Kentucky Railroad Company may, the holders of a majority in value of all the stock therein concurring, agree on terms for consolidating said company with any other railroad company, on such terms as may be agreed upon; but no such consolidation shall, in anywise, affect the holders of mortgage bonds issued by said South Kentucky Railroad Company.

May issue and sell bonds of company.

§ 45. That the South Kentucky Railroad Company may issue and sell the bonds of said company of the denomination of one thousand dollars, to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding two millions of dollars, bearing not exceeding eight per cent. interest, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct, within thirty years from their date.

To secure payment of interest and principal of bonds.

§ 46. To secure the prompt payment of the interest and principal bonds issued by authority of this act, said company may execute a mortgage or deed of trust, conveying said railroad, and its property and franchises, to a trustee or trustees, and from time to time fill vacancies that may occur, for the use, and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and objects of its execution.

If mortgage foreclosed.

§ 47. That if the mortgage or deed of trust, authorized by the last preceding section, shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Upon such foreclosure, the president shall make a correct list of all bonds secured by such mortgage or deed of trust, which have been sold, and verify it by his affidavit, which affidavit and list shall be filed in the Ohio, Daviess, Henderson, or Union circuit courts, where only such proceeding is authorized to be had. Such foreclosure shall not take place until ninety (90) days after publication of notice of the commencement of proceeding to that end shall have been made, in one or more newspapers published in the

cities of New York, Louisville, and Henderson. The person or corporation becoming the purchaser or lessee of said road, by reason of any sale or leasing to satisfy the demands of bondholders, shall be vested with all the rights, privileges, franchises, and immunities of the corporation.

1871.

§ 48. That to create and secure a fund for the final redemption of the mortgage bonds issued under authority of this act, a sinking fund shall be created by said company; and in order to create such sinking fund, said company shall, at the time of declaring the first cash dividend, ascertain, as near as possible, what sum ought to be set aside annually, in order to create a fund sufficient to redeem its bonds at maturity, and then set apart and pass into the sinking fund that sum; and thereafter annually there shall be set aside and pass into said fund a like sum, until a fund is created sufficient to pay the outstanding bonds of the company, which fund shall be used for no other purpose. That the company may loan and reloan the sums thus set apart, at any rate of interest not greater than that paid on its bonds, or may invest the same in any safe and profitable manner deemed advisable, which is not inconsistent with the purposes and objects of creating said fund: *Provided*, That said company may use any or all of said fund in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

To create a fund for redemption of bonds.

§ 49. The holders of mortgage bonds issued under authority of this act may demand, and on such demand shall be entitled to receive evidences of stock in said South Kentucky Railroad Company in lieu of their bonds, at dollar for dollar, at any time within seven years after said railroad is finished and cars run through.

Holders of mortgage bonds may receive evidences of stock.

§ 50. The bonds of the company, nor the bonds of counties, parts of counties, cities, or towns, issued under authority of this act, whether sold and delivered in this State or elsewhere, shall not be avoided, in whole or in part, by reason of the rate of interest agreed to be paid, or of the place at which they may be sold or delivered, nor by reason of their having been sold at less than their par value.

Bonds not to be avoided.

§ 51. That upon application by said company to the county court of any county into or through which it is proposed to construct said South Kentucky Railroad, such court shall appoint three (3) commissioners, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel,

Proceedings in regard to disagreement of company & owners of land.

1871. timber, or other material or thing required for the site or construction of said road, or whenever the land or material required shall be owned by any person not a resident of said county, or who is a *feme covert*, infant, or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and to make out and return to the office of the clerk of the county court a report in writing, particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the county, and whether a *feme covert*, infant, or non-sane person. The clerk shall receive such report, and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons, commanding the owner or owners of such lands to appear and show cause why the report should not be confirmed; which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court, commencing not less than ten (10) days after service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner, or by an attorney appointed to defend for him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless, for good cause shown, time is given for preparation. If no exceptions are filed, the report shall be confirmed. The jury and commissioners shall, in estimating the damages to any proprietor of land or material sought to be condemned for said road, be governed by the same rule as prescribed in section fourteen of this act; and the mode of valuation provided for herein shall have the same effect, and confer upon the company all the rights and privileges which would be conferred if the proceeding had been had in accordance with the provisions of said fourteenth section; and whenever a verdict shall be had, the court may give judgment condemning such land or the material for the use of said company, and against the company for the amount of damages assessed, and also to the owner for his costs, if the verdict shall be for more than was assessed by the commissioners: *Provided*, Not more than two elections shall be held under any of the provisions of this act in any one year in any one county, precinct, or town.

§ 52. All acts and parts of acts inconsistent with this act are hereby repealed. 1871.

§ 53. This act shall take effect from its passage.

Approved March 15, 1871.

CHAPTER 1579.

AN ACT to authorize the Union County Court to appoint a Sheriff for said County.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky, that, at the August election, 1870, John M. Dyer was elected to the office of sheriff for the county of Union, and that said Dyer has failed to execute bond and qualify as required by law; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court for the county of Union shall have power to appoint a sheriff for said county, who shall hold said office until the first Monday in January, 1873.

§ 2. This act shall be in force from its passage.

Approved March 15, 1871.

CHAPTER 1580.

AN ACT to vest the Trustees of Cave City with additional powers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of Cave City, in the county of Barren, be so amended that the trustees of said town shall have power, a majority of those in office concurring therein, to close up any alley or public street in said town.

§ 2. This act to take effect from its passage.

Approved March 15, 1871.

CHAPTER 1582.

AN ACT for the benefit of S. S. McFatrige, late Sheriff of Mercer County.

WHEREAS, S. S. McFatrige, late sheriff of Mercer county, is not indebted to either the State of Kentucky or county of Mercer, in his late official capacity as sheriff of Mercer county for 1867 and 1868; therefore

1871. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That S. S. McFatridge, late sheriff of Mercer county, is hereby authorized and empowered to distrain for and collect all uncollected fee bills and taxes now due him, in the same manner, and under the same penalties, as if he occupied the position of sheriff of Mercer county.

§ 2. This act to be a law and continue in force two years from its passage.

Approved March 15, 1871.

CHAPTER 1583.

AN ACT concerning the Advertisement of Sheriffs' and Commissioners' Sales of Land in Bath County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all sales of land by the sheriff or the commissioner of any court in Bath county, shall, in addition to the present manner of advertising, be advertised in some weekly newspaper published at the county seat.

§ 2. That if no such newspaper be published at the county seat, the advertising of such sales shall be as now required by law.

§ 3. That the reasonable cost of such newspaper advertising shall be taxed by the sheriff or commissioner as a part of the costs of the sale.

§ 4. That this act shall take effect from its passage.

Approved March 15, 1871.

CHAPTER 1584.

AN ACT for the benefit of Johnson County.

WHEREAS, Many of the papers of the Johnson circuit court are in a state of disarrangement, caused by the soldiery during the late war; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Johnson circuit court be, and he is hereby, directed to procure the necessary well bound books and indexes, and record such judgments and orders, and make such indexes as are necessary to enable litigants to more readily find their papers; and he is also directed to rearrange, place in the proper bundle, and label such papers as may be necessary in his office: *Provided*, The fees of said clerk for such services shall not

exceed one hundred and fifty dollars. The county court of Johnson county, a majority of all the justices concurring therein, shall make said clerk a reasonable compensation for his services in performing the work herein required of him, not, however, exceeding one hundred and fifty dollars.

1871.

§ 2. This act shall take effect from and after its passage.

Approved March 15, 1871.

CHAPTER 1585.

AN ACT for the benefit of Turnpike Roads in Bath county.^d

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court for the county of Bath, a majority of the justices of said county concurring therein, shall have power to subscribe to the capital stock of any turnpike road in said county now incorporated, or that may hereafter be incorporated, a sum not exceeding twelve hundred and fifty dollars for each mile of road within said county: *Provided, however,* That before said county court shall have power to make said subscription of stock under this act, the presiding judge of the county court of said county shall, at the election for constables, &c., in May, 1871, submit said question to the qualified voters of said county; and if a majority of the votes cast on said question shall be in favor of said subscription, then said court shall have power to make said subscription, but not otherwise. If said question should not be submitted at the May election, 1871, then said county judge may order said question to be submitted to the voters of said county at some general election. If this act is adopted by the voters of said county, said court shall have power to levy and collect a tax to pay the same as authorized by an act approved March 9, 1868, entitled "An act to empower county courts to take stock in turnpike roads in this Commonwealth." Nothing in this act shall be construed as repealing the above recited act.

§ 2. This act shall be in force from its passage.

Approved March 15, 1871.

1871.

CHAPTER 1586.

AN ACT to authorize the County Court of Butler county to issue bonds to raise the necessary funds to build a Court-house.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Butler county, a majority of the justices of the peace of said county concurring therein, be, and it is hereby, authorized to issue county bonds to the amount of thirty thousand dollars (\$30,000), for the purpose of erecting a suitable court-house for said county.

§ 2. Said bonds shall bear interest at the rate of six per cent. per annum, payable annually, and may have any number of years deemed best to run, not exceeding fifteen years. That the court shall prescribe the form of the bonds; they shall be signed by the county judge and attested by the clerk. The court may appoint a commissioner to sell said bonds, and may direct the time, terms, and place of selling or offering for sale, and shall direct for what sums each bond may issue for. That said court shall make the necessary arrangements and provisions for the payment of the interest on said bonds, and for the final payment of said bonds when they become due.

§ 3. That to enable the court to comply with this act, it is hereby authorized to increase the county levy to three dollars per tithe, and also levy an ad valorem tax of not more than 25 cents on the hundred dollars' worth of taxable property in said county in any one year.

§ 4. That the county court may be assembled at any time for the purpose of taking action under this act, and for that purpose the county judge may cause the justices to be summoned to attend at such times as he may deem expedient. That the court shall have power to make all orders necessary for carrying into execution the provisions of this act.

§ 5. That the tax levied under this act shall be collected in the same manner and under the same liability that the other county levy and taxes are collected.

§ 6. That this act shall take effect from and after its passage.

Approved March 15, 1871.

CHAPTER 1587.

1871.

AN ACT to authorize and empower the County Court of McLean County to levy an additional tax, and to issue county bonds to build a new Court-house and Jail, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of McLean county, a majority of the justices being present, and a majority of those present concurring therein, be, and it is hereby, authorized to issue county bonds to an amount not exceeding twenty thousand dollars, of denominations of not less than one hundred dollars, for the purpose of procuring suitable grounds in a convenient part of the town of Calhoon, and erecting thereon a new court-house and jail for said county: *Provided, however,* That before the county court shall exercise the power of locating the court-house and jail upon any other than the present site, it shall submit to the qualified voters of said county, at the regular election in May next, or any regular election thereafter, the proposition: "For or against changing the location of the court-house and jail;" and the vote shall be taken in the same manner as now provided by law in regard to other elections, and the county judge shall order said vote to be entered on the record; and if it shall appear that a majority of all the votes cast shall be in favor of changing the location of said court-house and jail, it shall be the duty of said county court to appoint three commissioners to select a convenient and suitable site for said court-house and jail in the town of Calhoon; when the same shall be thus selected, the said property shall be acquired by said court for the purposes herein stated, and in the manner provided in this act.

§ 2. The bonds issued, as provided in this act, shall bear interest at a rate not exceeding ten per cent. per annum; said interest to be paid annually at the clerk's office of the county court of said county on the first Monday in January of each year after the date of the same.

§ 3 That said county court shall prescribe the form of said bonds; they shall be signed by the county judge, attested by the clerk, and stamped with the seal of the court.

§ 4. That said court may appoint commissioners to dispose of said bonds as herein provided.

§ 5. It shall be the duty of said court to make the necessary arrangements for the payment of the interest on said bonds, and for their final redemption; it is hereby provided that said bonds shall be redeemable at the pleasure of said court.

1871.

§ 6. To enable the court to comply with and carry out the provisions of this act, it is hereby authorized to levy an additional tax of not exceeding one dollar on each poll and fifteen cents on each one hundred dollars of taxable property liable to State revenue.

§ 7. That the tax levied under this act shall be collected in the same manner, and under the same liability, that the other county levy and taxes are collected, which taxes so levied and collected shall not be expended for any other purpose than the payment of the principal and interest of said bonds, or to accomplish the objects contemplated by this act.

§ 8. That if, after suitable grounds have been selected, as herein provided, the owner or owners of the same shall refuse to sell said grounds for a reasonable price, then the judge of the McLean county court may cause a writ of *ad quod damnum* to issue for the purpose of condemning said ground, and the proceedings thereunder shall be the same as now provided by law in such case made and provided.

§ 9. That said county court shall have power to make all orders necessary for carrying into execution the provisions of this act, and the county judge may, at any time, convene the justices of said county for said purpose.

§ 10. That said county court shall have power to appoint commissioners to sell or otherwise dispose of the present court-house and jail, and lots upon which they are located, under the direction of said court. The money arising therefrom shall not be expended for any other purpose than the payment of the interest and principal of said bonds, or for carrying out the purposes of this act.

§ 11. This act shall take effect from its passage.

Approved March 15, 1871.

CHAPTER 1588.

AN ACT Incorporating the Bloomfield and Bardstown Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any five or more persons may associate themselves together, and be a body-politic and corporate, to be known under the name and style of the Bloomfield and Bardstown Turnpike Road Company, who are hereby empowered to purchase of the Bardstown and Bloomfield Turnpike Road Company the road now in process of construction between Bardstown and Bloomfield, and may finish the construction of said road, and are hereby vested,

when they may purchase said road, with all the rights and franchises and privileges granted to the Bardstown and Bloomfield Turnpike Road Company by charter and amendments thereto; but nothing in this act shall be construed as to authorize said company to purchase of the Bardstown and Bloomfield Turnpike Road Company the capital stock subscribed by the county court of Nelson county, and said county court shall hold said stock in any company that may purchase the said road.

1871.

§ 2. This act shall be in force from its passage.

Approved March 15, 1871.

CHAPTER 1589.

AN ACT incorporating the Bardstown and Shepherdsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any five or more persons may associate themselves together for the purpose of constructing a turnpike road leading from Bardstown towards the town of Shepherdsville. Said persons shall be incorporated by the name and style of the "Bardstown and Shepherdsville Turnpike Road Company;" by which name they shall sue and be sued, plead and be impleaded, in any court in this Commonwealth; and shall have perpetual succession.

§ 2. That G. W. Robertson, C. P. Mattingly, A. H. Stuart, Nathan Simmons, Alexander Hunter, Isaac Bell, James Arnold, and James Malona, are hereby appointed commissioners, who, or any one of them, are hereby authorized to receive subscriptions to the capital stock of said company, in shares of fifty dollars. When two thousand dollars is subscribed to the capital stock of said company, the stockholders are authorized to elect a president and seven directors, who shall elect a treasurer and secretary, all of whom shall be stockholders. Said board shall hold their office one year, and until their successors are elected and qualified.

§ 3. Said corporation shall have power to condemn the right of way, the necessary rock, gravel, dirt, wood, or other material for the construction or repair of said road, as may be necessary, as provided by chapter 103 of the Revised Statutes, and amendments thereto.

§ 4. When three consecutive miles of said road is completed, said company shall have power to establish a toll-gate, and to collect any rate of toll authorized to be collected on any turnpike road in this State in which the State owns stock.

5. This act shall be in force from its passage.

Approved March 15, 1871.

1871.

CHAPTER 1500.

AN ACT to prohibit the sale of Intoxicating Liquors in Sonora, in Hardin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, it shall be unlawful for the county court of Hardin county to grant license to any person or persons to sell any spirituous, vinous, or malt liquors in the town of Sonora, or in one mile of said town.

§ 2. That any person or persons selling or vending spirituous, vinous, or malt liquors within said town, or one mile thereof, shall be deemed as keeping a tippling-house, and shall be punished for the same as now prescribed by law.

§ 3. This act to be in force from its passage.

Approved March 15, 1871.

CHAPTER 1591.

AN ACT to amend the Charter of the Town of Elizabethtown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter there shall be annually elected, on the first Monday in April, by the qualified voters of Elizabethtown, at the same time and in the same manner that the trustees of said town are now chosen, a town assessor, for the assessment of the taxable property of said town; also three supervisors of tax and assessments, all of whom shall hold their offices for the term of one year, or until their successors are duly elected and qualified, and under the same rules and regulations, and subject to the same responsibilities, as county assessors and supervisors; and before said assessor and supervisors shall enter upon their duties, they shall each be sworn before some officer authorized to administer an oath that they will faithfully and impartially, and without favor or affection, discharge the duties of their respective offices.

§ 2. It shall be the duty of said assessor to assess all the persons and property situated within the town boundary, and shall require all residents of said town to give in a list of their entire property within the boundary of said town, in the same manner required by the revenue laws of this Commonwealth: *Provided*, The board of trustees of said town, in levying a tax upon the persons or property, or both, situated in said town, shall fix the time at which the assessment is to take effect.

§ 3. It shall be the duty of said assessor to assess for taxation all property owned by non-residents of said town,

where the property is situated within the boundary of said town. 1871.

§ 4. Should any resident of said town be absent from town when the assessor desires to take in a list of his taxable property, such assessor may leave a written notice with some member of the family of such tax-payer, over the age of sixteen years, if he is a house-keeper, if not, then with some person over sixteen years old at his usual place of business or abode; in case no such person can be found by the assessor, then on the front door of such residence, place of abode, or of business, in which notice such tax-payer shall be required to call on the assessor at a time and place named in the notice, and give in a list of his or her taxable property.

§ 5. If the person so notified shall fail to appear and give in his taxable property at the time and place fixed by the assessor, the assessor shall proceed to make such assessment from any information within his knowledge or reach.

§ 6. If any person liable to pay taxes under the provisions of this act shall fail or refuse to give in his list of taxable property when called on by the assessor, it shall be the duty of such assessor to proceed at once to assess the property of such delinquent from any information within his knowledge or reach, and may refer to the assessor's books of his county for this purpose.

§ 7. Should a vacancy at any time occur in the office of assessor or supervisor, the board of trustees may fill such vacancy until the next election.

§ 8. No person shall be elected assessor, supervisor, or marshal of said town, who is not a bona fide resident of the town.

§ 9. The supervisors provided for under this act shall constitute a board of supervisors for said town, and shall within the boundary thereof perform all the duties required of supervisors of tax under the revenue laws of the State, and it shall be their duty to assess all persons omitted by the assessor from the best information within their reach, and may take proof for that purpose.

§ 10. It shall be the duty of said assessor to report his book to the board of supervisors within thirty days from the time such assessment is ordered by the board of trustees, and when received by said board said book shall be filed and kept by the clerk of the board of trustees of said town as one of the recorded books of said town, and shall be legal evidence; and a copy of any assessment so made, attested by the clerk of said board, may be used as evidence in any of the courts of this Commonwealth in any suit in which said town or any citizen thereof, or any railroad company, may be a party to the suit.

1871. § 11. Said board of supervisors shall meet within one month from the time such assessment is ordered, and as often thereafter as the business before them may require; and within ten days from the time said book is received shall carefully examine the said book, and may hear proof, and with or without such proof, correct any assessment made therein as they may think right. As soon as said examination and assessment can be completed, they shall deliver over the book, as corrected by them, to the clerk of the board of trustees, who shall forthwith copy the same, and deliver the copy when made to the marshal or collector of taxes, who shall collect and pay over the taxes as directed by the charter to which this is amendatory.

§ 12. That if, from any cause, the police judge of said town cannot properly preside in any trial or proceeding before him, or should be absent, or if present should refuse to preside, it shall be the duty of the president of the board of trustees of said town, when informed of such inability, absence, or refusal of such judge, to attend and preside in such trial or proceeding in place of such judge; and if such chairman cannot preside for any cause, then the nearest justice of the peace to the court-house of said town shall attend and preside and try such suit or proceeding.

§ 13. That in addition to the powers heretofore conferred upon the board of trustees of said town, they are further authorized and empowered to construct sewers and culverts, and to stop the washes and drains in said town, and to levy a tax therefor upon the taxable property and tithables in said town; but the same, with all other taxes levied in any one year, not to exceed the maximum amounts heretofore authorized; or the said trustees may cause the said improvements to be paid for out of any money in the town treasury not otherwise appropriated.

§ 14. That all acts or parts of acts heretofore passed requiring the qualified voters of said town to pay their taxes, or to exhibit their tax receipts before they were authorized to vote for officers of said town, be, and the same are hereby, repealed.

§ 15. That all male white voters over twenty-one years of age, and residents of said town, shall be eligible to any of the offices mentioned in this act, or mentioned in the charter to which this is an amendment; and all acts in conflict with this section are hereby repealed.

§ 16. This act shall take effect from its passage.

Approved March 15, 1871.

CHAPTER 1592.

1871.

AN ACT to amend the Charter of the Louisville and Nashville Railroad.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Louisville and Nashville Railroad Company be so amended, that hereafter there shall be elected, as heretofore, by the stockholders, nine directors of said company, who shall hold the office as provided in the second section of this bill.

§ 2. That it shall be the duty of the persons elected directors of said company, at the first election held after the passage of this bill, to divide themselves, by lot, into three equal classes; the term of office of the first class to expire at the end of one year; of the second class at the end of two years; and of the third class at the end of three years from the time of their qualification; and at the end of the term of service of the first class, and annually thereafter, there shall be elected three directors to fill vacancies as they occur under the provisions of this bill: *Provided*, That said directors shall hold their offices until their successors shall have been elected and qualified according to law.

§ 3. This act to take effect from and after its passage.

Approved March 15, 1871.

CHAPTER 1594.

AN ACT to amend the Charter of the City of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sixteenth section of the act, entitled "An act to amend the charter of the city of Covington," approved 9th March, 1868, be continued in force for three years from the 9th March, 1871.

§ 2. That for the purpose of constructing additional school buildings for the common schools of the city of Covington, the school board of said city is authorized to borrow money, and issue its bonds to the amount of one hundred thousand dollars, bearing seven and three tenths per centum per annum, payable in fifteen years from their date. They shall be signed by the president, and countersigned by the clerk of the board, with coupons for interest attached, payable semi-annually. The bonds and coupons shall be payable at such places as the board shall determine, and shall be exempt from taxation, which bonds may, by said board, be sold or hypothecated.

§ 3. That for the payment of said bonds all of the property held by said school board for said schools is pledged,

1871. and so much of the special tax now levied, and authorized to be levied in said city for the common schools of that city, is pledged for the payment of the interest accruing upon said bonds as is necessary to pay the same.

§ 4. This act shall take effect from and after its passage.

Approved March 15, 1871.

CHAPTER 1596.

AN ACT to amend an act, entitled "An act to Charter the Cabin Creek, Sand Hill, and Manchester Turnpike Road Company," approved March 14th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the words "in accordance with an act of the Legislature of Kentucky of section 4th of chapter 1657," approved 2d of March, 1869, be, and hereby are, stricken from the 7th section of an act, entitled "An act to charter the Cabin Creek, Sand Hill, and Manchester Turnpike Road Company," approved March 14th, 1870;" and said section 7 of said act, as hereby amended, shall read and be as follows, viz: "In order to build said road, the Lewis county court is hereby authorized to issue bonds of one thousand [dollars] per mile for every mile that said road is put under contract to good and responsible contractors, and deliver said bonds to the president and directors of said road, to be used in the construction of every such mile of said road."

§ 2. That in order that said company may more speedily complete said road, the president and directors thereof are hereby authorized to borrow money not exceeding six thousand dollars, and execute the notes of said company for the same, to be signed by the president, and countersigned by the secretary, payable at such times as may be agreed on, and bearing a rate of interest not exceeding ten per centum per annum, and secure the same by a mortgage upon said road, and the franchises of said company, including its tolls and the taxes authorized to be levied for said road, which mortgage may be foreclosed and enforced by appropriate proceedings; and the money so borrowed shall be appropriated to the construction of said road, or said president and directors may issue the bonds of said company to an amount not exceeding seven thousand dollars, in denominations not exceeding one thousand dollars each, payable not exceeding twenty years from date, and bearing a rate of interest not exceeding ten per centum per annum, with coupons attached for the interest; the bonds to be signed by the president, and countersigned by

the secretary, and said coupons to be signed by the secretary alone; said bonds shall be made payable to bearer, and may be secured by a mortgage on said road and the franchises of said company, including its tolls and the taxes authorized to be levied for said road; said bonds may be negotiated and sold by the president and directors of said company, and the proceeds appropriated to the construction of said road; and the said mortgage may be foreclosed and enforced by appropriate proceedings.

1871.

§ 3. This act shall be in force from its passage.

Approved March 15, 1871.

CHAPTER 1597.

AN ACT for the benefit of Emily Wall, of Harrison County.

WHEREAS, Elias Wall and Emily Wall, colored persons of Harrison county, were married in 1850, while slaves, and had two children by said marriage, who died in said county in 1869; and said Elias Wall died in 1866, intestate, the owner of three town lots in Berryville, Harrison county; and whereas, the Commonwealth of Kentucky has the right of escheat to the same—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the right, title, and interest of the Commonwealth of Kentucky in and to said three town lots in Berryville, Harrison county, is hereby released, transferred, and vested in said Emily Wall, the widow of said Elias Wall: *Provided*, That a lien shall exist on same for any taxes that may remain unpaid on said lots.

§ 2. This act shall be in force from its passage.

Approved March 15, 1871.

CHAPTER 1598.

AN ACT to incorporate the Kentucky Masonic Mutual Relief Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That David L. Beatty, A. H. Gardner, George W. Anderson, William Cromey, John B. Daviess, Samuel Griffith, L. B. Porch, C. G. Davison, Henry Wehnhoff, J. Lawrence Smith, W. F. Meffert, John D. Orril, John Hehl, G. H. Walling, William Kriegshaber, A. G. Hodges, Chas. Eginton, J. P. Roscoe, H. Bostwick, W. S. Chipley, J. Proctor Knott, John A. Williams, M. H. Smith, Thomas J. Pickett, Jas. A. McKenzie, and their associates, be, and

1871. they are hereby, created a body-corporate and politic, with perpetual succession, by the name and style of the "Kentucky Masonic Mutual Relief Association;" and by that name are hereby made capable in law and equity to sue and be sued, to plead and be impleaded, contract and be contracted with; to make, have, and use a common seal, and to alter, break, or renew the same at pleasure; and shall have the right to take and hold, by purchase, gift, or devise, real and personal estate to the value of one hundred thousand dollars, or as much as may be necessary to carry out the object of this association, and to dispose of and convey the same at pleasure.

§ 2. The objects of said association shall be to establish in the city of Louisville, in the State of Kentucky, a Masonic Mutual Relief Association; and to provide and maintain a fund for widows, orphans, heirs, or legatees of a deceased member of said association.

§ 3. No one who has not attained to the degree of Master Mason can be a member of this association.

§ 4. There shall be a meeting of the members of this association called within thirty days after the passage of this act, for the purpose of electing a board of directors, to consist of twenty-five members, and annually on the third Monday in October thereafter, who shall officiate until their successors are duly elected and qualified. Said board of directors shall elect one of their own members as president and one as vice president.

§ 5. The board of directors shall elect a secretary and treasurer, and appoint all other subordinate officers and agents necessary to conduct the affairs of this association, prescribe their duties, and affix such compensation for their services as it may deem proper.

§ 6. The board of directors shall adopt such by-laws and regulations as may be necessary for the government of the association, fill all vacancies in their own body, and of the officers and agents, that may arise by death, resignation, or otherwise; and five of them shall constitute a quorum to do business, who shall report their action at next meeting of the board for approval.

§ 7. In view of the beneficent and charitable objects to be accomplished by said association, its property, whether real, personal, or mixed, shall be at all times exempt from city, county, and State taxes.

§ 8. A misnomer of the corporation in any deed, gift, grant, or devise, or any instrument of contract, shall not vitiate the same, if the corporation shall be sufficiently described therein to ascertain the intentions of the parties.

§ 9. This act shall take effect from its passage.

Approved March 15, 1871.

CHAPTER 1599.

1871.

AN ACT for the benefit of Spencer County, in relation to the Louisville, Harrodsburg, and Virginia Railroad.

WHEREAS, The county of Spencer, by a majority of votes cast at an election held in and for said county on the — day of —, —, decided to subscribe two hundred and fifty thousand dollars stock towards the construction of the Louisville, Harrodsburg, and Virginia Railroad; and whereas, by the provisions of the charter of the said railroad company, the time of five years was given in which said road might be built; and whereas, the said county of Spencer, believing that they would never be called upon to pay the said subscription to the said road, have since, to-wit, on the —, subscribed a like sum to the Cumberland and Ohio Railroad Company; now, then, to remove all doubts, and to forever save them harmless, and remove all liability by reason of the subscription aforesaid by the people of the said county to the said Louisville, Harrodsburg, and Virginia Railroad, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act of incorporation of said Louisville, Harrodsburg, and Virginia Railroad Company, passed and approved March 9th, 1868, so far as the same applies to the county of Spencer, is hereby repealed; and the said county, and the people thereof, are hereby declared released from their subscription to the said Louisville, Harrodsburg, and Virginia Railroad Company, and from all liability whatever to the said company, any action or record of the Spencer county court to the contrary notwithstanding.

§ 2. This act to take effect from its passage.

Approved March 15, 1871.

CHAPTER 1600.

AN ACT for the benefit of O. C. Bowles and George N. Brown, and their associates, lessees, and vendees.

WHEREAS, It appears to this General Assembly that O. C. Bowles owns one lot, and George N. Brown two lots, of sixty feet each, fronting on the Ohio river in the town of Catlettsburg, and that the said lots extend to low-water mark of said river—they are known as the R. M. Biggs lots—and that said parties are desirous to build a wharf for the landing of vessels, &c.—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said O. C. Bowles and George N. Brown, and those they may associate with them, their lessees or

1871. vendees, shall, whenever they make, or cause to be made, a good easy grade for drays, wagons, and other vehicles, and good and substantial fastenings for crafts in front of their lots, known as the R. M. Biggs lots, in the town of Catlettsburg, they shall have authority, and are hereby vested with full power—they, or themselves and associates, lessees, or vendees—to charge, take, and receive, and collect in the mode and manner hereinafter directed, from all steamboats of every kind, flat-boats, or any other vessels or rafts, the same fee or fees, not to exceed those charged and collected at the wharf belonging to the town of Catlettsburg; they shall post at their said landing, or on the wharf boat, such charge or charges they charge upon each vessel, craft, boat, or raft landing at the said wharf, not to exceed the wharfage as aforesaid collected at the wharf belonging to the corporation of the town of Catlettsburg, unless the same becomes free.

§ 2. That the said Bowles and Brown, or they and their associates, lessees, or vendees, are hereby authorized to appoint a wharf-master for the government of the wharf described in the first section, with power to remove and appoint others in the mode and manner herein directed.

§ 3. The wharf-master herein authorized shall be recommended to the Boyd county court by the owners or lessees of the said wharf described in this act, who shall take an oath in said court that he will faithfully discharge the duties of wharf master at the wharf herein established, collect all dues from the crafts or vessels or rafts landing at the same, at the regular charges, and no more, that has been or may be established by the owners or lessees, not exceeding the sum or sums chargeable at the wharf of Catlettsburg as aforesaid, unless the charges at said Catlettsburg wharf shall become annulled, then the wharfage shall not exceed the wharfage usually collected at other towns in this State, which is hereby permitted, and execute a bond for his and true faithful performance of his duties, and pay all damages that may accrue for his illegal or unlawful seizures or collections, to be executed to the Commonwealth of Kentucky, and may be put in suit by any person aggrieved, from time to time, in any of the courts in Boyd county having jurisdiction of the sum claimed; said courts of Boyd county shall have exclusive jurisdiction of causes arising upon said bond for a breach of the covenants therein; and the Boyd county court is hereby empowered to execute, or cause the same by his clerk, the oath herein directed, and to take the bond; he shall make proper orders thereof on the order-books of his court. The bond aforesaid shall be safely kept in the county clerk's office of Boyd, by the

clerk thereof, and shall give attested copies thereof, which shall be evidence in all courts of this Commonwealth. 1871.

§ 4. The wharf-master qualified as aforesaid is hereby vested with full power at all times, when the charges herein permitted are not promptly paid on demand, to levy and distrain for any wharfage due the said owners, lessees, or the associates, as afore-stated (and his costs, which shall be the same fees allowed sheriffs of this Commonwealth for levying and collecting), upon the boat or craft, or raft for which wharfage is due and payable, or upon a sufficiency of the tackle, furniture, and appurtenances, or any property of the person or persons from whom such wharfage is due, and advertise and sell the same as in case of an execution of *fi. fa.*; or the parties to whom the said wharfage is due, in the name of the wharf-master, for their use, may attach any debt, or garnishee the same in the hands of others, under the same regulations now provided by law.

§ 5. The wharf-master may be removed at pleasure of his employers, and his successor shall qualify in the same mode and manner.

§ 6. The wharf and lands herein described shall not be subject to be condemned by the board of trustees of the town of Catlettsburg, or the corporate authorities of said town, but shall be free from their control in any manner.

§ 7. The trustees of the town of Catlettsburg, or the corporate authorities thereof, are authorized to lease to the said Bowles and Brown the cross street leading to the Ohio river, or so much thereof adjacent to the lot of O. C. Bowles as is necessary to extend their grade or wharf upon, on such terms and time as they may deem just; and enter the same upon their records; which shall be effectual for the right of way and privilege granted.

§ 8. This act shall take effect and be in force from its passage.

Approved March 15, 1871.

CHAPTER 1601.

AN ACT to incorporate the Gano Hill Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. M. Gano, F. Gano Hill, George A. Hill, W. A. Switzer, J. H. Shropshire, and Jonathan Smith, be, and they are hereby, created a body-politic and corporate, under the name and style of the Gano Hill Turnpike Company, for the purpose of building a turnpike road from or near Hall's gate to the Paris and Georgetown Turnpike,

1871. through the counties of Scott and Bourbon, and intersecting the Leesburg and Newtown Turnpike, at or in the neighborhood of the White school-house; and for this purpose said company shall have all the rights and privileges incident to such corporations.

§ 2. The capital stock of said company shall not exceed fifteen thousand dollars, and shall be divided into shares of fifty dollars each; and the incorporators herein named are authorized to open books and receive subscriptions at any time and place they may select; and when the sum of thirty-five hundred dollars is subscribed, they may call the stockholders together and hold an election of officers for said company, to consist of four directors and a president. The president and directors may elect a secretary and treasurer, and require of the treasurer a good and sufficient bond, to be approved by them.

§ 3. Whenever said company shall complete two and one half miles of said road, they may erect a toll-house and collect half toll at the same; and whenever they complete said road, from the Paris and Georgetown Turnpike to the Leesburg and Newtown Turnpike, as set forth in section one of this act, they shall then be entitled to collect full toll on said road.

§ 4. The provisions of the Revised Statutes concerning turnpike companies, not inconsistent with this act, are made parts hereof.

§ 5. This act to be in force from its passage.

Approved March 15, 1871.

CHAPTER 1602.

AN ACT to amend the Charter of the Owingsville and Sherburn Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the said company be, and is hereby, so amended, that the said company shall have the right of erecting a toll-gate and of collecting toll, at such point on the road as they may choose, between the Sherburn bridge and the point where said road crosses main Flat creek.

§ 2 This act shall take effect from and after its passage.

Approved March 15, 1871.

CHAPTER 1603.

1871.

AN ACT to amend the Charter of the Bethel and Owingsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the said company be, and is hereby, so amended, that the said company, when they shall have completed a sufficient number of miles of road to entitle them to erect a toll-gate and charge toll, may erect the said gate at such point on the road as the company may choose, between the intersection of the Maysville and Mt. Sterling Turnpike Road and Maux Branch.

§ 2. This act shall take effect from and after its passage.

Approved March 15, 1871.

CHAPTER 1604.

AN ACT to amend the Charter of the Owingsville, Sharpsburg, and Bald Eagle Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of said company be, and is hereby, so amended, that when the said company shall have completed their road from the intersection of the street of Owingsville, at J. A. Turner's corner, to Prickly Ash creek, they shall have the right to erect a toll-gate at or near the residence of Isaac Shrouts, at such point as they may select, and collect one half toll thereat until five miles of said road is completed, and thereafter collect regular tolls as provided by their charter.

§ 2. This act to be in force from its passage.

Approved March 15, 1871.

CHAPTER 1605.

AN ACT to amend the Charter of the Paducah and Lovelaceville Gravel Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Paducah and Lovelaceville Gravel Road Company be, and the same is hereby, so amended, that said company may, by devise, purchase, loan, or gift, obtain property, real, personal, and mixed, and choses in action, and the same sell, or otherwise dispose of, in whole or in part, in aid of constructing and operating their, said road and branches; and may re-

1871. ceive subscriptions from individuals, companies, or corporations, in money, stocks, or other property, and labor or material, and issue certificates therefor.

§ 2. That said company may issue their bonds in denominations of one hundred, two hundred and fifty, and five hundred dollars, or either of them, payable in five, ten, fifteen, or twenty years, or at any one or more or all of said terms, bearing interest, payable semi-annually, at such a place as may therein be designated, of not more than (8) eight per cent. per annum; and said interest may be represented by, and for that purpose the said company are authorized to attach to said bonds, coupons, payable as aforesaid on the 1st day in January and July in each year.

§ 3. Said company, to secure the payment of the aforesaid bonds and coupons, and also to aid in any manner the building and operating said road, may mortgage any or all their property, real, personal, and mixed, including road-bed, road, and houses, to trustees, in number five, for the benefit of any and all holders or owners of the aforesaid bonds, or for the benefit and in trust for any company, individual, or corporation that may or shall loan to said company the means of constructing and operating said road, or any part thereof.

§ 4. And said company shall at all times, in case of the death or removal, by any cause whatever, of one or more of the aforesaid trustees, cause the said vacancy to be filled at the first meeting of their directors after such vacancy; and should the said directory fail or refuse to appoint a trustee or trustees to fill the aforesaid vacancy, then, upon the petition of any bond-holder or creditor of said company to the county court of McCracken, the judge of said court shall at once make said appointment, which shall have the same force and effect, and be as binding, as if made by said directors, or by the mutual agreement of said company and the bond-holder or holders or the creditor.

§ 5. Said company may at any and all times sell or otherwise dispose of any and all property, rights, franchises, and privileges owned by said company, upon such terms as they may think best.

§ 6. This act to take effect and be in force from and after its passage.

Approved March 15, 1871.

CHAPTER 1606.

1871.

AN ACT to amend the 8th section of an act, entitled "An act to establish a new charter for the City of Louisville," approved 3d March, 1870, in relation to Wharf-master.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 8 of an act, entitled "An act to establish a new charter for the city of Louisville," approved 3d of March, 1870, be so amended as that hereafter, when the general council holds an election for wharf-master, that he shall be elected for the term and period of two (2) years, instead of one; and that this act shall take effect from its passage.

Approved March 15, 1871.

CHAPTER 1607.

AN ACT to revive an act, entitled "An act to provide a Mechanics' Lien Law for the City of Louisville and County of Jefferson," approved 2d day of March, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act of the General Assembly, approved 2d day of March, 1869, entitled "An act to provide a mechanics' lien law for the city of Louisville and county of Jefferson," be, and the same is hereby, re-enacted, and declared to be in full force.

§ 2. That this act shall take effect from and after the date of its passage.

Approved March 15, 1871.

CHAPTER 1608.

AN ACT to amend an act to incorporate the Cook Benevolent Institution.

WHEREAS, The managers of the Cook Benevolent Institution have acquired by purchase a certain tract or parcel of land, with the appurtenances thereunto belonging, being the house and lot on the northeast corner of Second and Walnut streets in Louisville, Kentucky, fronting on Second street, north of Walnut street, one hundred and twenty-eight feet, and running east of that width by lines parallel with and on Walnut street two hundred and ten feet, to an alley, under and by virtue of the authority contained

1871. in the first section of the act aforesaid, and for the purposes therein set forth; and whereas, it is deemed expedient and necessary to raise the sum of twenty thousand dollars to complete the payments upon the property so purchased as aforesaid, and for the other purposes of the said institution; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the managers of said institution be, and they are hereby, authorized and empowered to raise by loan, from time to time, such sum or sums as they shall deem expedient and proper for the purposes aforesaid, said sum or sums not to exceed in the aggregate the sum of twenty thousand dollars; and to secure the payment of the same, or any part thereof, said managers are hereby authorized and empowered to mortgage the property so acquired as aforesaid.

§ 2. This act shall be in force from and after its passage.

Approved March 15, 1871.

CHAPTER 1609.

AN ACT to amend the Charter of the Paducah Chephra Eshurun Burial Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. that section one of an act, entitled "An act to charter the Chephra Eshurun Burial Society," approved February 20th, 1864, be, and the same is hereby, amended by striking out two thousand dollars where it occurs, and inserting in lieu thereof "thirty thousand dollars."

§ 2. That said society may act as a congregation for religious worship, and may hold, use, acquire by gift, devise, grant, or purchase, such real estate and personal property as may be necessary for their full enjoyment as a burial society and congregation, not exceeding in value said thirty thousand dollars; and if any of the present members shall not be willing to remain in the society under the amended charter, they shall have and retain all their rights and privileges to the burying-ground as heretofore, on paying their pro rata dues of the expense to uphold the burying-ground.

Approved March 15, 1871.

CHAPTER 1610.

1871.

AN ACT to incorporate the Parker's Mill, Stonewall, and Connersville Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. H. Dougherty, T. J. Marshall, Joseph Burgess, William Mulberry, Peter Jones, Buford Hall, James Stone, and Wm. Parker, be, and they are hereby, created a body-politic and corporate, under the name and style of the Parker's Mill, Stonewall, and Connersville Turnpike Company, for the purpose of building a turnpike road from or near Parker's Mill, on the Owen line, crossing the Cincinnati turnpike at Stonewall, in Scott county, and thence with the Scott and Harrison lines to the Cynthiana turnpike; and for this purpose said company shall have all the powers and privileges incident to such corporations.

§ 2. The capital stock of said company shall not exceed thirty-five thousand dollars, and shall be divided into shares of fifty dollars each; and the foregoing corporators are authorized to open books and receive subscriptions at any time and place they may select; and when the sum of five thousand dollars is subscribed, they may call together the stockholders, and hold an election for officers of said company, to consist of six directors, who shall, when elected, choose one of their number as president. They may also elect a secretary and treasurer, and require the treasurer to execute a bond, to be approved by them.

§ 3. The provisions of the Revised Statutes regarding turnpike companies, not inconsistent with this act, are made parts hereof.

§ 4. This act to take effect from its passage.

Approved March 15, 1871.

CHAPTER 1611.

AN ACT authorizing the Trustees of the Silver Creek Academy to sell and convey the Academy Property, with power to reinvest the proceeds of the sale.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Silas Cobb, R. I. Martin, and James Y. Peyton, trustees of Silver Creek Academy, in Madison county, be, and they are hereby, authorized to sell and dispose of said academy property, embracing improvements and the land conveyed by deed, dated 24th day of September, 1844, from Joel Hume and wife to Jas. Blythe, Lemuel D. Bea-

1871. nett, William Chenault, and William Heatt, and their successors, trustees of said academy.

§ 2. The said trustees may sell said academy property for cash, or on a reasonable credit; and they are hereby empowered to convey it to the purchaser, and they or their successors shall reinvest the proceeds of said sale in the purchase of suitable grounds, and the erection of a school-house somewhere near the centre of the same school district in which Silver Creek Academy is now situated.

§ 3. This act shall take effect from its passage.

Approved March 15, 1871.

CHAPTER 1612.

AN ACT to incorporate the Mill Grove and Paint Lick Creek Turnpike Road Company, in Madison County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the "Mill Grove and Paint Lick Creek Turnpike Road Company," for the purpose of making an artificial road, with stone or gravel, from a point at or near Mill Grove, in Madison county, by way of Kirksville, to Paint Lick creek, in same county. The following persons are appointed as commissioners to receive subscription of stock, viz: W. T. Tevis, A. M. Moran, F. M. Smith, James Shearer, W. R. Denny, and C. C. Chrisman.

§ 2. The capital stock of said company, and the shares into which such capital stock shall be divided, shall be regulated by the commissioners above named, and may be diminished or enlarged by the president and directors, from time to time, as the exigencies of the case may require.

§ 3. The books for the subscription of stock in said company shall be opened at such times and places, under the direction of the commissioners above named, as they may deem proper.

§ 4. So soon as a sufficient amount of stock shall be subscribed to justify a commencement of said road, the commissioners aforesaid, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, and hold an election for a president and five directors, who shall hold their offices for one year, or until their successors are elected and qualify. That upon the election and qualification of said president and directors of said company, they shall be a body-politic and corporate, by the name and style aforesaid; and by said name shall have perpetual succession;

may sue and be sued; hold, acquire, and convey all necessary real or personal property, for the purpose of constructing said road and keeping it in operation; and have all other privileges and franchises incident to a corporation.

1871.

§ 5. That the county court of Madison is hereby authorized to take stock in said road not to exceed the amount per mile which said county court now has authority to subscribe by law to turnpike roads; and said county court is hereby authorized and empowered to levy a tax for the amount which they may so subscribe, and it shall be collected according to the way made and provided by the existing laws of this State.

§ 6. When two miles of said road shall have been completed, it shall be lawful for said company to put up a gate and exact half toll; but said gate shall not be erected nearer than one mile of Kirksville.

§ 7. That all the provisions of an act, entitled "An act to incorporate the Danville and Hustonville Turnpike Road Company," approved March 1st, 1844, except so far as they may be local in their application, or come in collision with the provisions of this act, be, and the same are hereby, made a part of this act, and shall have the same force and effect as if fully inserted herein and enacted at length.

§ 8. This act shall take effect from its passage.

Approved March 15, 1871.

CHAPTER 1613.

AN ACT to amend the Charter of the Masonic Widows' and Orphans' Home and Infirmary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Masonic Widows' and Orphans' Home and Infirmary be so amended, that the fifteen directors to be elected in May, 1871, shall hold their offices as follows, and until their successors shall be duly elected and qualified: Five of the said fifteen directors shall hold their office for one year, five for two years, and five for three years; the class of each to be determined by lot at the first meeting of the board after the election to be held in May, 1871; and at each subsequent annual election thereafter five directors shall be chosen to fill the place of those whose terms expire; but nothing in this act shall be so construed as to make the members of the board whose terms expire ineligible to re-election.

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§ 2. The object of said Widows' and Orphans' Home and Infirmary being a purely benevolent and charitable one, the officers of said corporation shall have power to receive into its custody, and retain under its exclusive control, any and all the orphans of deceased Masons of Kentucky who may be recommended by the Masonic Lodges of Kentucky, or by such committees as the Lodges may intrust with the duty of recommending to the officers of said Widows' and Orphans' Home and Infirmary such orphans of deceased Masons of Kentucky as may be suitable objects of its care and protection; also all such as may be placed under its control by the mother, the father being dead, or by the guardian, or such as may be offered by two good citizens of Jefferson county, with the approval of the county court of Jefferson county; and the children who may be received by the said corporation, upon any of the grounds aforesaid, shall, from the time they are received, and until they attain the age of twenty-one years, remain under its custody, and subject to its exclusive control.

§ 3. Said corporation, for the purposes of protection of the person of any child committed to its care, is hereby invested with all the rights of a parent or natural guardian.

§ 4. The Superintendent of the said Masonic Widows' and Orphans' Home and Infirmary shall have the right, by and with the advice and consent of the board of directors, to apprentice, or put to service, for a term of one or more years, any of the orphan inmates of the Home, upon such terms and conditions, not inconsistent with the laws of the Commonwealth, as in their judgment the welfare of the inmate may require.

§ 5. The person to whom such inmate may be apprenticed, or put to service, shall report quarterly to the superintendent the condition, as well as the conduct of the apprentice; and should the party to whom such apprenticeship may be bound fail to comply with the terms of the indenture, the superintendent and board of directors may cancel said indenture, and receive the apprentice again into the Home.

§ 6. The county court of Jefferson county and the Louisville chancery court shall have the power, on complaint made, to investigate the condition or treatment of any child or children in said institution, and to review, correct, or annul any articles of apprenticeship that may be entered into under this act, if, upon investigation, such court should deem it advisable and just.

§ 7. This act to take effect from its passage.

Approved March 15, 1871.

CHAPTER 1614.

1871.

AN ACT to repeal an act, entitled "An act to prevent the destruction of Fish in Green River and its tributaries, so far as it applies to Rhodes' Creek, in Daviess County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to prevent the destruction of fish in Green river and its tributaries, and other water-courses, approved February 26th, 1868, be, and the same is hereby, repealed, so far as it applies to Rhodes' creek, in Daviess county.

§ 2. That this act shall take effect from and after its passage.

Approved March 15, 1871.

CHAPTER 1615.

AN ACT to authorize the Trustees of the Town of Alexandria, in Campbell County, to change an Alley in said Town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Alexandria, in Campbell county, be, and they are hereby, authorized to change, by an ordinance for that purpose, the location of an alley in said town, now located on the plat of said town, between lots Nos. 47 and 48, and fronting on Washington street, to the north side of lot No. 48, and between lots Nos. 48 and 49, as designated on the aforementioned plat.

§ 2. That this act shall take effect from its passage.

Approved March 15, 1871.

CHAPTER 1616.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts relating to the Town of Georgetown," approved March 1, 1847.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the chairman and board of trustees of Georgetown shall have power to borrow money and execute, through a committee appointed for that purpose, the bonds or obligations of said town for the same: *Provided, however,* That the indebtedness of said town shall, at no time, exceed the sum of five thousand dollars.

§ 2. This act to be in force from its passage.

Approved March 15, 1871.

1871.

CHAPTER 1618.

AN ACT to extend the corporate limits of the Town of Blandville, in Ballard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Blandville, in Ballard county, be, and is hereby, extended one half mile from the court-house in said town in every direction from said court-house.

§ 2. That all acts or parts of acts coming in conflict with this act are hereby repealed.

§ 3. This act to take effect from its passage.

Approved March 15, 1871

CHAPTER 1619.

AN ACT for the benefit of P. J. Scheeran, of Newport.

WHEREAS, It is represented that Mary Scheeran died intestate, holding title to lot number (25) twenty-five, in S. C. Parkhurst's subdivision of lots in the city of Newport, county of Campbell, and State of Kentucky, the same being twenty-five (25) feet front on Chestnut street, by one hundred (100) feet deep; and in consequence of there being no one capable in law of taking said property (real estate) by descent from said Mary Scheeran, the same has escheated to the State of Kentucky, subject to her debts and the equitable claims of her husband, the said P. J. Scheeran, the same having been bought with his means; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all right and title of this Commonwealth in and to said lot number (25) twenty-five, in S. C. Parkhurst's subdivision of lots in the city of Newport, Campbell county, Kentucky, acquired by escheat from said Mary Scheeran, deceased, are hereby released to and vested in said P. J. Scheeran, husband of said decedent; and the Auditor of State is hereby directed to make to him a deed of release and quit-claim, in accordance with this act: *Provided*, That nothing in this act shall affect any right which any other person may lawfully have to said property.

§ 2. This act to take effect from its passage.

Approved March 15, 1871.

CHAPTER 1620.

1871.

AN ACT for the benefit of Woodford County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Woodford county, a majority of the justices concurring, be, and they are hereby, empowered and authorized to lease or sell and convey so much of the court-house lot in said county, or any part thereof, as may not be occupied by public buildings, and to apply the proceeds of such lease or sale for the use and benefit of said county.

§ 2. The county judge of Woodford county shall have power, when directed by the county court, to execute the lease or conveyance mentioned in the first section of this act.

§ 3. This act shall take effect from its passage.

Approved March 15, 1871.

CHAPTER 1622.

AN ACT to amend the Charter of the City of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the board of councilmen of the city of Frankfort to lay off said city into not less than three voting precincts, for the purpose of holding all elections for city officers, and to appoint two persons who shall act as judges, one person who shall act as clerk, and one person who shall act as sheriff at each voting place so designated by the board of councilmen.

§ 2. That it shall be the duty of the officers aforesaid to conduct all elections for city officers, and to certify the poll-books in all respects as they would be required to do by law, and be subject to the same penalties as if such elections were held under the State laws: *Provided, however,* That the poll-books shall be returned to the clerk of the board of councilmen the first Monday next succeeding the day on which the election was held.

§ 3. That the mayor, clerk of the board of councilmen, and city marshal, shall act as a board of examiners, any two of whom may act, under the same rules and regulations and penalties as are imposed by the State laws on similar boards of examiners for county officers.

§ 4. That the next election for the board of councilmen and city attorney for the city of Frankfort shall take place on the first Saturday of January, (1873) one thousand eight hundred and seventy-three, and every two years thereafter.

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§ 5. The present board of councilmen and city attorney shall hold their offices until the next election.

§ 6. All acts in conflict with this act are hereby repealed.

§ 7. This act shall take effect from its passage.

Approved March 15, 1871.

CHAPTER 1623.

AN ACT to prevent the sale of spirituous, vinous, or malt liquors, as a beverage, in the County of Jackson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person or persons to sell, give, or loan any spirituous, vinous, or malt liquors, as a beverage, or a mixture of either, within the limits or jurisdiction of the county of Jackson.

§ 2. That it shall be unlawful for the county court of Jackson county, or any person or persons, to grant a license to any person or persons to sell, by wholesale or retail, any spirituous, vinous, or malt liquors, as a beverage, in the county of Jackson.

§ 3. That any person or persons violating the provisions of this act, for every separate offense, shall be fined not less than fifty dollars nor more than one hundred, to be recovered by presentment of the grand jury, and collected as other fines are now by law collected.

§ 4. This act shall take effect whenever it has been ratified by a majority of the legal voters of Jackson county voting for and against said proposition at the August election, 1871.

Approved March 16, 1871.

CHAPTER 1624.

AN ACT to prohibit the sale of spirituous, vinous, and malt liquors in the Village of Paint Lick, Garrard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person or persons, body-politic or corporate, to sell by retail, in quantities less than ten gallons, any spirituous, vinous, or malt liquors, under any pretext whatever, in the village of Paint Lick, Garrard county, or Paint Lick Station, on the Richmond Branch of the Louisville and Nashville Railroad; and any person or persons, body-politic or corporate, violating the provisions of this act, shall be liable to a fine of not less

than twenty nor more than one hundred dollars, to be recovered before any justice of the peace for said county, or by indictment of a grand jury.

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§ 2. The fines assessed under this act shall be appropriated to the common school fund of the county.

§ 3. This act shall not take effect until the first day of September, 1871.

Approved March 16, 1871.

CHAPTER 1626.

AN ACT for the benefit of the Mercer County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to require the county courts to have one or more fire-proof vaults in their respective counties erected for the safe-keeping of the public records of their respective counties," approved February the 11th, 1867, be suspended as to Mercer county for five years from the passage of this act.

§ 2. This act to be in force from its passage.

Approved March 16, 1871.

CHAPTER 1627.

AN ACT for the benefit of Kentucky Farmers' Mutual Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of the General Assembly, approved March 12, 1870, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other, except life insurance companies," shall not apply to the Kentucky Farmers' Mutual Insurance Company until the 1st day of February, 1872.

§ 2. This act shall take effect from its passage.

Approved March 16, 1871.

CHAPTER 1629.

AN ACT transferring the property of, and debts owing to, the Trustees of the Harrodsburg Academy, known also as the Mercer County Seminary, to the Board of Trustees of the town of Harrodsburg for Common School purposes, and authorizing said Board to sue for the same.

WHEREAS, On the 22d of December, 1798, the General Assembly of Kentucky constituted certain parties into a

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body-corporate and politic, by the name of the Trustees of the Harrodsburg Academy, and granted to them six thousand acres of land of this Commonwealth for the use of said academy, which academy was to be permanently located in the town of Harrodsburg; and whereas, all of said trustees, and their successors in office, save James Taylor, are dead; and whereas, said lands were sold for the benefit of said academy; and whereas, by the fourth section of an act of this General Assembly, entitled "An act to amend the act to establish a female academy in the town of Harrodsburg," approved February 9th, 1829, said trustees, under the name of the Mercer County Seminary, were authorized to loan such portion of their funds to the trustees of said female academy for three years, without interest, or until otherwise directed by the Legislature, after that period; and whereas, said trustees, in 1848 and 1849, loaned to the trustees of said female academy the sum of one thousand nine hundred and forty-five dollars and fourteen cents, to be paid back to said trustees on demand; and whereas, said Taylor, the only surviving trustee, is desirous of having the property of, and debts owing to said Harrodsburg Academy or Mercer County Seminary transferred to the board of trustees of Harrodsburg for common school purposes, and has petitioned this General Assembly for such legislation as is necessary for that purpose; and whereas, such transfer would be carrying out the object for which said academy or seminary was originally established; for remedy whereof—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the property of, and debts as aforesaid, or any other debts owing to the trustees of the said Harrodsburg Academy or Mercer County Seminary, be, and the same are hereby, transferred to and vested in the board of trustees of Harrodsburg as fully and completely as if said property and debts had originally belonged to said board, to be held by said board for the use and benefit of common schools within said town; and said board of trustees of Harrodsburg are hereby authorized to sue for and recover any such indebtedness or property owing or belonging to the trustees of said Harrodsburg Academy or Mercer County Seminary not heretofore paid or legally surrendered.

§ 2. That all the rights hereby transferred are to be exercised by said board of trustees, notwithstanding any general or private act inconsistent herewith; and nothing in this act shall be construed to revive any action or cause of action now barred by the statute of limitations.

§ 3. This act to be in force from and after its passage.

Approved March 16, 1871.

CHAPTER 1630.

1871.

AN ACT providing for the payment of certain claims allowed by the Rockcastle Circuit Court.

WHEREAS, In consequence of the unusually large number of claims for killing foxes, wild cats, &c., allowed by the Rockcastle circuit court for the years 1867 and 1868, the Auditor being satisfied that a great many of said claims were fraudulent, refused to pay any of the claims allowed as aforesaid; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts appoint some disinterested person, resident in Rockcastle county, commissioner to examine all the claims allowed by the Rockcastle circuit court in 1867 and 1868 for killing foxes, wild cats, &c., that have not been paid by the Auditor; that he shall take proof in relation thereto, and shall have all the powers and be subject to all the responsibilities of a master commissioner in compelling the attendance of witnesses and otherwise; he shall have power to swear witnesses for the purposes of his appointment; that after hearing all the proof that he is able to procure, he shall make out a written report and forward the same to the Auditor of Public Accounts, setting forth therein the number of just claims allowed by said court during the period aforesaid, and the amounts thereof; also make out a report setting forth the unjust claims allowed, and amounts thereof, the persons to whom allowed, and upon whose certificate; together with such information as he shall be able to gather as to who was engaged in uttering the fraudulent claims. This report shall be handed to the Commonwealth's attorney for the fifteenth judicial district. That whenever the report setting forth the number and amounts of the just claims shall have been filed with the Auditor, together with the claims properly certified, the Auditor will draw his warrants on the Treasurer in favor of the persons entitled thereto for the amounts thereof respectively.

§ 2. That before the person appointed to carry out the provisions of this act shall enter upon the duties assigned him herein, he shall take and subscribe an oath before the clerk of the Rockcastle county court, which shall be entered upon the records of said court, that he has no interest, directly nor indirectly, in the aforesaid claims, and that he will faithfully and impartially discharge the duties assigned him under the provisions of this act. He shall be allowed twenty cents for each certificate presented, to be paid by the person presenting it.

§ 3. This act shall be in force from its passage.

Approved March 16, 1871.

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CHAPTER 1631.

AN AOT to authorize the Counties of Madison, Estill, Lee, Owalely, the City of Louisville, and any other Cities, Counties, or Towns in this State, Corporations or Individuals, to subscribe for stock in a Branch of the Louisville and Nashville Railroad, from Richmond to Irvine and Scott's Landing or Beattyville, in Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the counties of Madison, Estill, Lee, and Owalely, and any other counties, the city of Louisville, and any towns in this State, and corporations and individuals, be, and are hereby, authorized to subscribe for stock in the Louisville and Nashville Railroad Company, for the purpose of constructing a branch of the railroad of said company from Richmond to Irvine and Scott's Landing, or Beattyville, in this State, for such amounts as said counties and cities may, by a majority vote of the respective voters thereof voting, decide, and upon such terms and conditions as the county courts of said counties, and the general council of the city of Louisville and said company, may see proper to adopt, including any stipulations in regard to said stock, the issuance of certificates therefor, or the payment of dividends thereon, as said parties may agree upon. The said stock so subscribed to be stock in said branch only.

§ 2. That whenever twelve (12) freeholders of any of said counties shall request the county court of such county to subscribe for stock as provided in the first section of this bill, presenting to said court in writing, to be spread upon the minutes thereof, the terms, conditions, and stipulations upon which the subscriptions is proposed to be made, certificates of stock to be issued and dividends to be paid, together with the amount proposed to be subscribed, the said court shall, within sixty days thereafter, on a day to be appointed by said court, cause a vote of the people of said county to be taken at the several election precincts of said county, and shall appoint the judges and other officers necessary to conduct the election, and the return thereof shall be made to the clerk of the county court within ten days after the election shall have been had.

§ 3. That at its next term, after the return of the vote as aforesaid to the clerk of the county, the court shall order the vote for and against the subscription to be entered upon its record; and if a majority of the votes cast shall appear to be in favor of the subscription, the court shall order its clerk to make the subscription forthwith in the name of the county, and in accordance with the vote and terms proposed.

§ 4. That when any such subscription shall have been made, the county court shall have power to issue the bonds of the county, with coupons attached, under the seal of the

county court, signed by the presiding judge thereof, and countersigned by the clerk, for the full amount of such subscription, to be sold by such person or persons as the county court may appoint, to raise the means to build the branch; said bonds shall be negotiable and payable to bearer in the city of Louisville, Kentucky, having not more than twenty (20) years to run from date to maturity, and shall bear interest from date at the rate of seven per cent. per annum, payable semi-annually in said city.

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§ 5. That the county court of any county having voted and subscribed as aforesaid, shall have power to levy a tax on the property, both real and personal, as listed for State purposes in said county, sufficient to pay the interest on said bonds as it falls due, and such sinking fund for the final redemption of the bonds as the county court may order; and the county court of any county having voted and subscribed as aforesaid, shall have power to levy a direct tax as aforesaid, sufficient to pay in five (5) years, in equal installments, the whole of said bonds and interest, or it may sell its stock to pay the bonds and interest; and the county court of said county so subscribing shall summon the justices of the peace of the county to meet at a day specified, not more than thirty (30) days from the time such levy shall be made, to elect three (3) commissioners of the sinking fund of such county, whose duties shall be the same as those for other counties having subscribed for stock in said railroad company, and subject to the same liabilities; and the said taxes shall be collected in the same manner as the railroad taxes have been heretofore collected, and are now collected in said last named counties.

§ 6. That the city of Louisville shall have power to make the subscription herein provided for, and to execute and sell its bonds according to its charter, and under existing laws applicable to said city, and to order all such elections, and do all other things necessary to make such subscriptions effectual: *Provided, however,* That in case a tax is levied, or bonds issued, or any sort of appropriation be made, by a vote of the people, or general council, or in any other way whatever, of or by the city of Louisville, towards the building, or for the benefit of the road proposed herein, or any part thereof, that the said tax or appropriation shall be levied and collected equally on and from money, stocks, bonds, all evidences of debt, and all kinds of property, real, personal, and mixed.

§ 7. That this act shall take effect from its passage.

Approved March 16, 1871.

1871.

CHAPTER 1632.

AN ACT to amend second section of an act, entitled "An act to amend the Charter of the Town of Springfield."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of an act, entitled "An act to amend the charter of the town of Springfield," approved 21st February, 1863, be amended by adding to said section the following clause: That whenever any such process shall be issued, it shall be the duty of the officer executing such process, at the request of any defendant therein, to return said process for trial before some one of said justices of the peace, who shall have the sole power to try said case; and if the officer shall fail or refuse so to return said process, he shall be guilty of a misdemeanor in office.

§ 2. This act shall take effect from its passage.

Approved March 16, 1871.

CHAPTER 1633.

AN ACT to extend and enlarge the corporate limits of the Town of South Carrollton, in Muhlenburg County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of South Carrollton, in Muhlenburg county, be so extended and enlarged as to include the following boundary: Beginning at a point in Barrett street, at the extreme northwestern point in the present boundary; thence running back, in a line with the present northwestern boundary, sixty poles to a stake; thence running parallel with Barrett street the entire length of the present corporate limits; thence in a line with the southeastern boundary to the present southeastern corner of the corporate limits of said town: *Provided, however,* That no lands embraced in the above extension shall be taxed for town purposes unless the same shall have been laid off into town lots of five acres or less.

§ 2. This act shall take effect and be in force from its passage.

Approved March 16, 1871.

CHAPTER 1634.

1871.

AN ACT for the benefit of E. B. Treadaway, former Sheriff of Owsley County.

WHEREAS, The county of Lee was formed and created out a portion of the county of Owsley; and whereas, at the time of the formation of said county of Lee, out of a portion of Owsley, E. B. Treadaway had a large amount of uncollected taxes due him as sheriff of Owsley county in that portion of said county of Owsley stricken off to Lee, for various years; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from and after the passage of this act, be given to said E. B. Treadaway, former sheriff of Owsley county, in which to collect and distrain for any uncollected tax or fee bills that may be due him in that portion of Owsley stricken off to Lee; and that power and authority be, and the same is hereby, given said Treadaway to go into said portion of Lee, stricken off from Owsley to Lee, and collect and distrain for any uncollected tax or fee bills that may be due him, as former sheriff of Owsley county, in said portion of Owsley stricken off to Lee in its formation.

§ 2. That the said Treadaway and his sureties in his official bond shall, for any illegal or improper collection of fees or taxes, whether by levy or otherwise, under the provisions of this act, be liable to all the penalties provided by law against such misconduct.

§ 3. That before said Treadaway shall be entitled to the benefit of this act, his sureties in his official bond shall enter their consent thereto in the order-book of the county court of Owsley county, and acknowledge the same in open court.

§ 4. That this act shall take effect and be in force from its passage.

Approved March 16, 1871.

CHAPTER 1635.

AN ACT for the benefit of Manufacturing, Furnace, and Mining Establishments in the Counties of Greenup, Boyd, Carter, and Lawrence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be unlawful (anything in chapter 29, Revised Statutes of Kentucky, and the acts amendatory thereof, to the contrary) for any furnace company, or

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§ 2. This act shall be in force from its passage.

Approved March 16, 1871.

CHAPTER 1636.

AN ACT to incorporate the Quick's Run and Stout's Landing Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Frederick Carr, John Stout, James Stout, William Pool, and William Kissicks, and their associates and successors, are created a body-corporate and politic, under the name and style of the Quick's Run and Stout's Landing Turnpike Road Company; the capital stock shall be fifty thousand dollars, which may be increased to any sum necessary to build the turnpike road contemplated by said company, not exceeding one hundred thousand dollars; each share of stock shall be twenty-five dollars; said company shall have power to sue and be sued, contract and be contracted with; hold, enjoy, possess, sell, convey, and dispose of real and personal estate, not exceeding one hundred thousand dollars.

§ 2. The officers of said company shall consist of a president, secretary, treasurer, three directors, and such other officers and agents as said company by its by-laws shall provide for; the president, secretary, treasurer, and directors shall be chosen annually by the stockholders, in such manner as said company shall provide for by its by-laws; said officers shall hold their offices until their successors are elected and enter upon the discharge of their duties.

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§ 3. The company may, by appropriate proceedings, cause to be condemned, for the use of said road, the right of way, sites for toll-gates, residences of the keeper, and for such other purposes as said company may need land for the use of said road; they may also, in like manner, condemn stone quarries, gravel beds, and all necessary and proper materials to build and keep in repair said road, and all bridges on the same; said turnpike road shall commence at the top of the Ohio river bank, and run from thence across the hill to Quick's run; and thence up said creek the most practicable and best route to intersect with the Concord and Tollsburg Turnpike Road, at a point that may, in the opinion of the president and directors of said road, be most practicable to the interest of said road; the said road to be located by said company, or commissioners appointed by them for that purpose; when said road is finished a distance of two and one half miles, said company shall be authorized to erect a toll-gate, and charge half fare for traveling over and using said road.

§ 4. That Frederick Carr, James Stout, or either one of them, may act, and they are hereby appointed commissioners to receive subscription of stock to said turnpike road company, at such times and places as said commissioners or either of them may deem expedient; that such of said commissioners as shall act shall procure one or more books, and the subscribers of stock shall sign the following obligation, to-wit: "We, whose names are hereunto subscribed, do promise to pay to the Quick's Run and Stout's Landing Turnpike Road Company the sum of twenty-five dollars for each share set opposite our names, in such proportion and at such times as shall be determined by the president and directors of said company."

§ 5. So soon as four thousand dollars is subscribed in stock to said company, it shall be the duty of said commissioners, or those that act, to give notice to those that have subscribed stock to said company on their books, of a meeting of stockholders at Carr's store, for the purpose of choosing the officers of said company. Each stockholder shall be entitled to one vote for each share of stock owned by them.

§ 6. That so soon as the officers are elected and the company organized, said company shall possess all power, authority, rights, and privileges, and may do all acts and things necessary to enable the said company to build said turnpike road; erection of gates, collecting of tolls, appointing all necessary engineers, surveyors, and agents, as shall be necessary for the building and successful use, occupation, and operating of said road, and for keeping the same in repair.

1871. § 7. That the 5th, 6th, 7th, 8th, 9th, 11th, 12th, 13th, 14th, 18th, 20th, 21st, and 26th sections of "An act to incorporate the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road Company," approved February 13th, 1867—Session Acts of adjourned session of 1867, volume 1, pages 363 to 370—are hereby adopted and re-enacted as part of this act.

§ 8. That to enable said company to build their road as speedily as possible, and equalize the burthen thereof, there is hereby levied on all real estate, commencing at the Ohio river and extending one and a half miles on each side of said road, as the same shall be located, until said road reaches the main fork of Quick's run, and on all real estate on either side of said road, between the two dividing ridges, through which said Quick's run runs; and on all real estate lying one mile on either side of said contemplated road, after the same leaves the head waters of Quick's run, until it strikes the Concord and Tollsboro Turnpike Road, an ad valorem tax of one dollar on each one hundred dollars' worth of real estate as embraced in said boundary as above designated, subject to taxation for State revenue; said tax to be levied and collected each year until said turnpike road is finished, and all necessary bridges and toll-gates erected thereon.

§ 9. The county court of Lewis county shall appoint three commissioners to assess the real estate and affix the value thereon, on all the real estate embraced in said boundary above described, through which said contemplated road shall run, or he may require the assessor of said county to make an assessment; said assessment shall be returned to May or June term of said county court in each year; and said county court shall list said tax list with the sheriff of Lewis county for collection; and said sheriff shall receive and collect said taxes, and pay the same over to the president of said turnpike road company on or before the first day of December in each year. For any default of said sheriff under this act, he and his sureties shall be liable to suit or suits on his official bond as sheriff; said suit or suits shall be brought in the name of the president of said Quick's Run and Stout's Landing Turnpike Road Company, for the use of said company, in the Lewis circuit court; said company shall recover in the said suits the amount of taxes collected by said sheriff, or which he might have collected by due diligence, with the same interest, costs, and damages now allowed by law against sheriffs for failing to collect and pay over the county levy.

§ 10. The tax-payers who pay tax under this act toward building said turnpike road, shall be stockholders in

said turnpike road company for the amount of tax they pay. 1871.

§ 11. This act shall take effect from and after its passage.

Approved March 16, 1871.

CHAPTER 1637.

AN ACT to authorize the City of Dayton, in Campbell County, to establish Common School System.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of the city of Dayton, in Campbell county, Kentucky, shall, on petition of ten citizens, submit to the qualified voters of said city a proposition to levy a tax not exceeding fifty cents on the one hundred dollars of taxable property in said district subject to taxation under the law levying the State tax for common school purposes, for the benefit of common schools in said city; and the election shall be appointed and held not more than twenty nor less than fifteen days after said petition is made, and due public notices shall be posted ten days before the election: *Provided*, That under no circumstances shall such vote be construed as authorizing the said tax, or any other tax mentioned in this act, to be levied on the property of other than white persons; neither shall the question of levying said tax at such elections as may be held in accordance with this act be submitted, except to the qualified white voters of said school district of the city of Dayton.

§ 2. The voters on said proposition shall be polled as is now done in cases of municipal elections in said cities and towns; and at said poll the clerk shall record each vote as "for the tax," or "against the tax," as the case may be; and the poll shall be certified and examined, and the result announced, as now provided in case of municipal elections in said cities and towns.

§ 3. If the result be in favor of the tax, the city council of the city are hereby directed to levy a tax not exceeding the rate herein before specified, which tax shall be assessed and collected as the taxes of said city are collected; and the officers of said city are fully empowered to make the assessment and collection. The collecting officer shall execute an additional bond to the city council, with good security, to be approved by the same, conditioned for the faithful collection and payment of said money; and the officer and his sureties shall be responsible on said bond for a failure or neglect of duty.

1871.

§ 4. Said city council of the city of Dayton may, on petition of ten citizens, submit to the qualified voters of said city a proposition to donate a sum not exceeding five thousand dollars (\$5,000) in any one year for school purposes, which vote shall be taken in the manner prescribed in sections one and two of this act; and if the result be in favor of the appropriation, then the city council of said city are hereby directed to set apart to the credit of the board of education whatever sum may be appropriated; said appropriation shall not be construed to increase the debt of the city beyond the present limits. If there is not sufficient funds in the hands of the city treasurer to meet said appropriation, there shall be no new debts created before provision is made for the payment of the appropriation.

§ 5. The said taxes, when collected, shall be paid over to the city treasurer, and shall be held by him as a separate and distinct fund, to be disbursed only as hereinafter provided.

§ 6. The council of said city shall appoint a board of education for the school district in which it may be located, which shall consist of five members, who shall hold office until the next regular municipal election for city officers, and until their successors are duly elected and qualified; and at such regular municipal election for officers of said city, there shall be elected a board of education for the city by the voters of a majority of the legal voters within said city.

§ 7. That the said board of education, so appointed or elected, shall be a body-politic and corporate, with powers to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts of this Commonwealth.

§ 8. The board of education for said city shall have exclusive control of the funds hereinbefore provided for, and of the apportionment of said city of the common school fund; they may elect a chairman, whose check or order shall be paid by the city treasurer to the amount of school funds in his hands; said board shall make report of their actings and expenditures in the discharge of their duty to the commissioner of common schools for the county, according to the provisions set forth in the common school law for the reports of other common school trustees; they shall have control of the appointment of teachers, regulation of discipline, course of study, examinations, and other matters of regulation of common schools; and prescribe terms on which pupils residing outside of the city may be received into the public schools; they may appoint examiners, and prescribe qualifications for teachers: *Provided*, They shall not exclude any pupil entitled to the

privileges of common schools under the common school law.

1871.

§ 9. The tax hereby authorized may be continued from year to year, and the revenue arising therefrom may be applied to the purchase, erection, or repair of school property or accommodations, to the pay of teachers, or other purposes contemplated in this act.

§ 10. The common schools organized under this act shall be taught not less than five nor more than ten months during the school year, as defined in the common school law; and all white children between the ages of six and twenty years, residents of the city, shall be privileged to attend.

§ 11. The board of education shall have power to fill any vacancy which may occur in their body; they shall also elect a clerk, who shall hold his office during their pleasure, and shall receive such compensation as they may allow; it shall be the duty of the clerk to take the census of pupil children for the city under direction of the board, and according to the provisions of the common school law; and to perform such other duties as the board may prescribe.

§ 12. The treasurer of the city shall prepare and present to the board semi-annual reports of the state of the finances of the city funds for school purposes on the first days of July and January of each year, and shall make a statement of the same whenever required by the board; he shall pay out the money only on a warrant signed by the chairman of the board, and countersigned by the clerk.

§ 13. No member of the board shall receive any pay or emolument for his services; but the board, when it shall be deemed expedient, shall elect a superintendent of schools, whose duty it shall be to have a general supervision of the common schools of the city, subject to the rules and regulations of the board, and shall allow him such salary and compensation as they may deem proper; and the superintendent, when elected, shall be one of three members of the board of examiners for the examination of candidates for teachers in the schools of the city; no person shall be employed as a teacher of the schools by the board, unless the board of examiners shall first give such person a certificate of qualification to teach in the department to which he or she may be appointed, signed by at least two of the said board.

§ 14. At the close of each school year the board of education shall make, in addition to the report required to be made to the common school commissioner, a report of the progress, prosperity, and condition, financial as well as educational, of all the schools and school interests under

1871. their charge; and said report, or such portion of the same as the board may consider of advantage, may be printed, either in public newspaper or pamphlet form.

§ 15. No expenditures, involving an amount greater than two hundred dollars, shall be made, except in accordance with provisions of a written contract; and no contract, involving an expenditure of over five hundred dollars for erecting any public buildings or making any improvements, shall be made, except upon sealed proposals, and to the lowest responsible bidder.

§ 16. The board of education of said city shall have power to take or hold, by gift, devise, or purchase, and have conveyed to it, real and personal estate, sufficient for the common school purposes of the city; to erect buildings necessary and convenient for said schools, or to lease property for that purpose; and all property held by said board for said schools shall be exempt from tax, levy, or distress, and shall not be diverted from school purposes. The treasurer of said city shall execute a bond with sureties, to the board of education, for the faithful disbursement of the school money which comes to his hands; which bond shall be given before, and approved by, the mayor of the city; and he shall be liable on his bond to the board of education of the city for any failure or neglect of duty.

§ 17. For neglect of duty or malfeasance, any officer under this act shall be responsible for damages, and thirty per cent. thereon; and for misappropriation of funds or willful violation of law, he may be subject to a fine of not more than one hundred dollars, and imprisonment not more than ninety days in the city or county jail.

§ 18. This act shall not be construed to diminish the powers of the city council of the city, or prevent the same from purchasing and holding school property, as already provided for by law: *Provided, however,* That the title to school-houses, school property and grounds, situated in Dayton, and all hereafter purchased by said city council, shall vest in the board of education of said city, and the board may sell and convey the same, and invest the money in other property for the benefit of the common schools of the city.

§ 19. This act shall have effect from and after its passage.

Approved March 16, 1871.

CHAPTER 1638.

1871.

AN ACT to incorporate the Town of Tollsboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Tollsboro, in Lewis county, be, and the same is hereby, established and incorporated, under the name of the "Town of Tollsboro," with the following boundaries, to-wit: The eastern boundary to run with the furthest limits of T. J. Barkley's farm; the western boundary with the furthest limits of Lewis Middleton's farm; and the northern and southern boundaries running parallel with the Vanceburg and Tollsboro Turnpike, extending one quarter of a mile on each side of the pike.

§ 2. That W. N. Wallingford, George W. Jordan, and Wm. B. Perkins, are hereby appointed trustees of said town, to hold their offices until trustees are elected or appointed, and qualified as their successors, under the general law regulating towns established by county courts.

§ 3. That all the powers conferred by law on trustees of towns established as aforesaid are hereby conferred on the said trustees and their successors; and, in addition thereto, they shall have exclusive and full and complete power to regulate or prohibit the sale of spirituous, vinous, or malt liquors by tavern-keepers, coffee-house keepers, merchants, or others, within said town.

§ 4. This act shall not relieve the Vanceburg and Tollsboro Turnpike Road Company from the duty of keeping up their road through said town, nor prevent the said company from charging toll as heretofore.

§ 5. This act shall take effect from its passage.

Approved March 16, 1871.

CHAPTER 1639.

AN ACT to amend the Charter of the Town of Mayfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Mayfield, in Graves county, be, and are hereby, so extended as to include the lot and grounds on which the Mayfield College and Graves Seminary is situated, said lot and grounds being situated on the northern boundary of the said town, and containing about four acres.

§ 2. That the trustees of the town of Mayfield, Graves county, are hereby authorized and empowered to make all necessary appropriations for the improvement of said college and seminary buildings, and the lot upon which it

1871. is situated, and supplying the same with the necessary furniture and apparatus: *Provided*, This act shall not be so construed as to give said trustees the power to impose a greater tax on the property of said town than they are now authorized by law to impose.

§ 3. This act to take effect from its passage.

Approved March 16, 1871.

CHAPTER 1640.

AN ACT for the benefit of Thomas Monarch, late Tax Collector of Daviess County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thos. Monarch, late tax collector of Daviess county, be, and he is hereby, allowed the further time of two years to collect and distrain for the railroad tax and State revenue tax, due him as tax collector aforesaid, for the years 1866, 1867, 1868, and 1869.

§ 2. That before the said Monarch shall be entitled to the benefit of this act, his sureties in his bond as collector aforesaid shall enter their consent thereto of record in the county court of Daviess county.

§ 3. That said Monarch, and his sureties in his bond as collector aforesaid, shall be held liable to all pains and penalties now prescribed by law for illegal acts in relation to the distraint and collection of said taxes.

§ 4. That this act shall take effect from its passage.

Approved March 16, 1871.

CHAPTER 1641.

AN ACT to incorporate a Steam Ferry Company at the Mouth of the Ohio River, in Ballard County.

WHEREAS, Powhatan Ellis, jr., Richard I. Cocke, and others, are the owners of a certain tract of land, in the county of Ballard, at the mouth of the Ohio river, lying partly on the Ohio and partly on the Mississippi rivers; and are the owners of a ferry for skiff and flat-boats from said land to the city of Cairo, in the State of Illinois, just opposite said land, by grant from the county court of Ballard county; and whereas, the public convenience may be better subserved by the establishment of a steam ferry at said point, or some point on said land, to run both to said city of Cairo, in the State of Illinois, and to some point on the opposite side of the Mississippi river, near Bird's Point, in the State of Missouri; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

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§ 1. That the said Powhatan Ellis, jr., Richard I. Cocke, and W. G. Bullitt, and their associates and successors, be, and are hereby, created a body-politic, with power to sue and be sued, either at law or in equity; and are authorized and empowered to establish, at any point on the said land they may think proper, a steam ferry, to be run from said point, both to the city of Cairo, in the State of Illinois, and to some point on the Missouri shore, near Bird's Point, on the opposite side of the Mississippi river from their said land so long as they may run the same in such a manner as to fully accommodate the public interest; they are authorized to put such steamboat or boats in the said ferry service as they may think proper, and may use as many as they may desire or may be required to accommodate the public; and they are authorized to make any arrangement they may think proper with any ferry company or companies, from said city of Cairo, or from the said point on the Missouri shore, or with either of them, for the running of said ferry, when the same shall be so established; or they may rent the same from year to year, or lease the same for such period as they may desire, or sell it at their pleasure.

§ 2. This act to take effect from its passage.

Approved March 16, 1871.

CHAPTER 1642.

AN ACT to amend the Charter of the Town of Cromwell, in Ohio County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act incorporating the town of Cromwell, in Ohio county," approved 16th day of February, 1858, be so amended, that all fines arising from breaches of the peace, &c., shall be paid to the trustees of said town, for the purpose of erecting a calahoose, or house of confinement in said town, and for other legitimate purposes of said town.

§ 2. That the trustees of said town shall have the power to coerce all persons who may be owing fines and costs to said town, and who fail or refuse to pay same, to work on the streets or other public improvements of said town, until such fine and costs be paid, allowing such delinquents \$2 00 per day until such fine and costs be paid: *Provided, however,* That when such delinquents actually work out their fine and costs, the officers having costs

1871. against such person or persons, so paid by work, shall be paid their costs out of the town treasury.

§ 3. This act shall take effect from its passage.

Approved March 16, 1871.

CHAPTER 1643.

AN ACT for the benefit of M. M. Teager, of Fleming County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. M. Teagar, clerk of the Fleming county court, may legally qualify as administrator of the estate of Christena Hughes, deceased, any law of this Commonwealth to the contrary notwithstanding.

§ 2. This act shall take effect from and after its passage.

Approved March 17, 1871.

CHAPTER 1644.

AN ACT for the benefit of Hawkins McKee, Jailer of Whitley County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for Hawkins McKee to hold and exercise the office of jailer of Whitley county, although he resides at a greater distance than two hundred yards from said jail: *Provided*, The said jailer shall not reside more than four hundred yards from said jail.

§ 2. This act shall be in force from its passage.

Approved March 17, 1871.

CHAPTER 1645.

AN ACT to Incorporate Odd Fellows' Hall Company, in the Town of Nicholasville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Daniel B. Curd, M. C. Smith, Dr. J. C. Welch, G. D. Cooley, and A. C. Smith, and their successors, be, and they are hereby, created a body corporate and politic, by the name of Nicholasville Odd Fellows' Hall Company, with all the authority and power of corporations, for the purposes hereinafter mentioned.

§ 2. The corporation aforesaid is hereby authorized and empowered to purchase and hold lands, in fee simple and by lease, and to erect thereon such buildings and edifices as they may deem proper, and to rent and lease the same, or any part thereof, for such term or terms, and at such price or prices, as they think proper.

§ 3. The capital stock of said company shall be not exceeding ten thousand dollars (\$10,000), and shall be divided into shares of fifty dollars each, and may be issued and transferred in such manner as the board of directors may direct.

§ 4. The affairs of said company shall be managed by five directors, one of whom shall be president, and all of whom shall be stockholders in said corporation. The first board of directors shall consist of D. B. Curd, M. C. Smith, Dr. J. C. Welch, G. D. Cooley, and A. C. Smith, who shall continue in office until their successors shall be duly elected by a majority in interest of the stockholders of said corporation. If any of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing some one else. The board shall have power to adopt such rules and by-laws as they may deem fit, not inconsistent with the Constitution and laws of the State. The said corporators, or any of them, may open books of subscription, and receive subscriptions to the capital stock of said company herein incorporated; and books of subscription may be opened, and subscriptions received at such times and places, and by such agent, as the board may direct.

§ 5. A majority of the directors alone shall constitute a quorum to do business; and, in the absence of the president, may appoint a president *pro tem*.

§ 6. A full record of all the proceedings shall be kept, subject at all times to inspection by the stockholders.

§ 7. No part of the stock, or interest of any stockholder, or his widow's or children may have in said corporation, shall be subject to any debt, liability, or equitable process against him or any of them.

§ 8. As the widows and orphans of the order at Nicholasville are large beneficiary shareholders in the company, therefore the said company shall be exempt from the payment of any municipal, county, or State taxes.

§ 9. The said directors shall have authority to issue and sell bonds to the amount of two thousand dollars, of the denomination of fifty dollars, payable in five years from date, and bearing interest at the rate of not more than eight per cent. per annum, the interest payable semi-annually; said bonds, and the interest thereon, to be made payable at the banking-house of Noland & Wilmore, in Nicholasville. The funds realized from the sale of said

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1871. bonds to be applied to the purchase of real estate, or for such purpose as the directors may order.

§ 10. This act to take effect from its passage.

Approved March 17, 1871.

CHAPTER 1646.

AN ACT for the benefit of W. J. Lisle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Marion county court be, and the same is hereby, authorized and empowered to make settlement of the accounts of William J. Lisle, as administrator *de bonis non*, with the will annexed, of Thos. White, deceased, and said settlement shall be for all purposes as legal and valid as if made before the presiding judge of the Green county court.

§ 2. This act to take effect from its passage.

Approved March 17, 1871.

CHAPTER 1647.

AN ACT to authorize the late Judge of the Kenton County Court to enter and sign certain judgments, orders, and returns, and to legalize the same.

WHEREAS, John P. Harrison, late county judge of Kenton county, at the time of his resignation of said office, had failed to enter upon his order-book certain orders and judgments which he had made and rendered in his quarterly court in proceedings and suits pending before him, but of which he had made minutes upon his docket, and had further failed to enter upon his execution-book certain executions and the returns thereon; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said John P. Harrison is hereby authorized and empowered to enter upon the order-book of said quarterly court said orders and judgments so made and rendered by him while acting as county judge, giving the proper date thereof, and to enter upon the execution-book of said court the said executions and the returns thereon, giving the proper date thereof; whereupon said orders and judgments so entered and signed by him, and said executions and the entries relating thereto, shall have the same force and effect from the proper date thereof (meaning thereby the date of making and rendering said orders and judgments, and of the issuing and returning of said

executions), as if they had been duly entered at the time they were made, rendered, issued, and received.

1871.

§ 2. This act to take effect from and after its passage.

Approved March 17, 1871.

CHAPTER 1648.

AN ACT for the benefit of the Clerk of the Breathitt County Court.

WHEREAS, Deed-book No. 2, new series, of the Breathitt county court, has become, from some cause or other, greatly mutilated, and some of the leaves torn, and the whole book fast going to decay; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall, and is hereby, made the duty of the clerk of the Breathitt county court to procure a well bound book, in the manner provided for the procuring of well bound books for the use of county courts, in which book said clerk shall transcribe and re-record all the deeds from book No. 2, new series; for which transcribing and re-recording the court of claims of said county shall make him a reasonable compensation, to be paid out of the county levy of said county.

§ 2. This act shall take effect immediately.

Approved March 17, 1871.

CHAPTER 1649.

AN ACT for the benefit of R. B. McCall, Administrator of J. W. Riley, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years from the passage of this act be given to R. B. McCall, administrator of the estate of J. W. Riley, deceased, late clerk of the Boyd circuit and county courts, to collect the fees due him as such administrator, which are due said J. W. Riley as clerk as aforesaid at his death; and he, the said R. B. McCall, as administrator aforesaid, may, for the time aforesaid, distrain therefor in the same manner, and be subject to the same penalties, now provided by law for issuing and collecting illegal fee bills.

§ 2. This act to be in force from and after its passage.

Approved March 17, 1871.

1871.

CHAPTER 1650.

AN ACT for the benefit of Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Logan county court be, and is hereby, authorized and empowered to levy an ad valorem tax, of not exceeding three per cent. per annum, upon all property listed for revenue purposes in said county, for a period of not exceeding four years; the revenue arising from said tax to be applied by said judge to the liquidation and discharge of a subscription of \$500,000 made by Logan county to the Owensboro and Russellville Railroad Company.

§ 2. That the judge of Logan county court be, and is hereby, authorized and empowered to issue the bonds of Logan county, in pursuance to the said subscription; said bonds to mature in ten years from the issuance thereof, with interest thereon at any rate not exceeding ten per cent. per annum, payable semi-annually, for any sum not exceeding \$380,000, in liquidation and discharge of said subscription of \$500,000, on the part of Logan county, to the Owensboro and Russellville Railroad Company.

§ 3. That before the said judge shall levy said ad valorem tax for the purpose of liquidating said subscription, or for the purpose of purchasing said bonds, or before the issuing of said bonds at any rate per cent., not exceeding ten per cent. per annum, as provided for in the 1st and 2d sections of this act, said judge shall submit to the qualified voters of Logan county one or both of said propositions, as he may elect, on notice of not less than fifteen days; and if, at said election, either of said propositions shall receive a majority of votes cast at said election, then the said judge shall act in accordance with the will of the majority so expressed.

§ 4. This act shall take effect from its passage.

Approved March 17, 1871.

CHAPTER 1652.

AN ACT for the benefit of A. C. Cox, late Sheriff of Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. C. Cox, late sheriff of Green county, be, and he is, allowed further time until the first of June, 1871, to make out and return his delinquent list as sheriff of Green county: *Provided*, This act shall not be construed

so as to affect the rights of any judgment creditor of said sheriff or his securities.

1871.

§ 2. This act shall take effect from its passage.

Approved March 17, 1871.

CHAPTER 1653.

AN ACT to incorporate the Town of Knowlesburg, in Morgan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Knowlesburg, in the county of Morgan, be, and is hereby, declared an incorporated town; and it shall embrace in its corporate limits all the land embraced in the following boundary: Beginning at the mouth of the Elk Fork; thence up the Licking river to the mouth of the Dry Branch; thence with the lines of Knowles, Brough & Co. to the beginning.

§ 2. That the financial and municipal affairs of said town shall be vested in three trustees, who shall be elected annually by the qualified voters residing in said town. No person shall be eligible to the office of trustee unless he be a resident of said town. Said trustees shall hold their offices until their successors are duly elected and qualified; and shall have power to fill vacancies in their own body by appointment. A majority of said trustees shall be a quorum for the transaction of business.

§ 3. The first election of trustees shall take place on the first Saturday in April, 1871, at which time shall also be elected a police judge and marshal for said town. It shall be the duty of the county judge of Morgan county court to appoint judges, and a clerk and a sheriff, to hold said election, and to designate a place in said town at which said election shall be held; and said officers shall have the same powers as judges, clerks, and sheriffs under the general laws of the State; and, in addition, the right to issue a certificate of election to the candidates for office receiving the highest number of votes, which certificate shall confer on the person therein named the right to hold the office to which he is certified to have been elected. The place and mode of holding all other subsequent elections shall be regulated by a by-law, to be adopted by the board of trustees.

§ 4. That said trustees shall be a body-corporate, with all the general powers conferred by the laws of this Commonwealth on bodies-corporate of like character; and shall be known by the name and style of the "Board of Trustees of Knowlesburg."

§ 5. The board of trustees shall elect one of their number chairman of the board to preside over the meetings.

1871. § 6. The qualifications for the office of the police judge and marshal shall be the same as that of trustee.

§ 7. The police judge shall have exclusive jurisdiction of all violations of the by-laws of said town, and concurrent jurisdiction in criminal, penal, and civil causes with a justice of the peace; and power to sit as an examining court in cases of felony.

§ 8. It shall be the duty of the marshal to see that the ordinances and by-laws of said town are faithfully executed; and in criminal and penal cases in said town shall have the power of a constable. He shall, before he enters upon the duties of said office, execute bond for the faithful performance of the same, with security to be approved by the trustees, and take the oaths prescribed by the Constitution and laws before a justice of the peace.

§ 9. If a vacancy occur in the office of police judge or marshal, it may be filled by the board of trustees until the next regular election.

§ 10. The board of trustees shall have power to enact all necessary ordinances and by-laws for the government of said town, and for securing of peace and good order therein, and for the preservation of the comfort and health of the people thereof, provided they do not conflict with the Constitution and laws of this State.

§ 11. The trustees shall keep a record of all their proceedings in a book kept for that purpose.

§ 12. No fine of more than twenty dollars shall be assessed for a violation of the ordinances or by-laws of said town; and shall be recovered upon warrant in the name of the Commonwealth for the use of the board of trustees.

§ 13. All moneys collected for violation of the ordinances or by-laws of said town shall be paid over to the board of trustees by the marshal, and expended on the streets of said town.

§ 14. In the collection of fines, the marshal shall have all the powers of a constable, and subject to the same rules and regulations, and subject to the same penalties imposed by law in similar cases.

§ 15. The police judge shall be a conservator of the peace; and shall keep a record-book and execution-book, in which he shall make all necessary entries; and the judge of the Morgan county court shall fix the time for holding his courts for the trial of civil causes as is required in justices' courts.

§ 16. The police judge and marshal shall receive the same fees as justices of the peace and constables are allowed by law for similar services.

§ 17. This act to take effect the first April, 1871.

Approved March 18, 1871.

CHAPTER 1654.

1871.

AN ACT to incorporate the Methodist Episcopal Church, South, Widows' and Orphans' Home.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Dr. James Knapp, William White, James S. Lithgow, William Cromey, James G. Carter, James L. Brown, William Kendrick, Burdett C. Levi, Dr. Henry F. Kalfus, Alexander Hunter, Edward D. Hobbs, and Dr. Wm. W. Senteney, and their associates, be, and they are hereby, created a body-corporate and politic, with perpetual succession, by the name and style of "The Methodist Episcopal Church, South, Widows' and Orphans' Home;" and by that name are hereby made capable in law and equity to sue and be sued, to plead and be impleaded, contract and be contracted with; to make, have, and use a common seal, and to alter, break, and renew the same at pleasure; and shall have the right to take, receive, and hold, by purchase, gift, or devise, real, personal, and mixed estate, not exceeding in value the sum of five hundred thousand dollars, and to dispose of and convey the same at pleasure, for the purposes, uses, and trusts of this act of incorporation; with the power, right, and authority, by law and in equity, to enforce and recover subscriptions, gifts, or donations made to said institution in any form or manner whatever.

§ 2. All amounts contributed to this institution in any manner as an "endowment fund," shall be held sacred, and only the profits arising from same used in the general fund.

§ 3. The object of said institution shall be to provide and sustain, in or near the city of Louisville, a home for destitute widows and orphans of deceased members of the Methodist Episcopal Church, South, and others who may be placed under its charge; said institution shall be regarded as under the patronage of the Louisville Annual Conference of the Methodist Episcopal Church, South.

§ 4. The membership of said institution shall consist of active and life members.

§ 5. There shall be a meeting of the incorporators called within ninety days after the passage of this act, who shall at said meeting elect one of their own number as president, and appoint a secretary and treasurer; said incorporators shall be a board of directors until the first Monday in December of this year, and on that day there shall be a meeting of the members of said institution, for the purpose of electing a board of directors to consist of twelve members, at least eight of whom shall be members of the Methodist Episcopal Church, South, and annually on the first Monday in December thereafter, who shall officiate.

1871. until their successors are duly elected and qualified ; said board of directors shall elect one of their own number as president, and appoint a secretary, treasurer, and all other subordinate officers and agents necessary to conduct the affairs of the institution, prescribe their duties, and affix such compensation for their services as it may deem proper.

§ 6. The board of directors shall adopt such by-laws and regulations as may be necessary for the government of the institution, fill all vacancies in their own body, and of the officers and agents that may arise by death, resignation; or otherwise; and the majority of them shall constitute a quorum to do business.

§ 7. The board of directors shall admit only orphans into the Home, until such times as in their judgment the funds of the institution will permit of extending its benefits to widows.

§ 8. In view of the beneficent and charitable objects to be accomplished by said institution, its property, whether real, personal, or mixed, shall be at all times exempt from city, county, and State taxes.

§ 9. A misnomer of the corporation in any deed, gift, grant, or devise, or in any instrument or contract, shall not vitiate the same, if the corporation shall be sufficiently described therein to ascertain the intention of the parties.

§ 10. That said corporation shall have power to issue and sell its bonds to the amount of twenty thousand dollars, in sums of not less than five hundred dollars each, payable in not more than ten years from date, bearing interest at not more than ten per cent. per annum; for which interest there shall be attached to said bonds, payable semi-annually, at such time and place as shall be designated by the resolution of said directors or board of managers ordering the issuing of said bonds; and to secure payment of said bonds said board shall have full power and authority to mortgage any and all property, real or personal, which said incorporation may now have, or shall have prior to the date of said bonds; the same to be signed by the president of said board, and countersigned by the secretary or treasurer thereof; said coupons also to be signed by said treasurer or secretary.

§ 11. This act to take effect and be in full force from and after its passage.

Approved March 18, 1871.

CHAPTER 1655.

1871.

AN ACT to incorporate the Widow and Orphan Cemetery Company, of Crab Orchard Lodge, No. 108, I. O. O. F.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Edmiston, J. D. Pettus, G. W. Bronaugh, W. T. Green, and W. M. Garnett, their successors, assigns, and associates, be, and they are hereby, constituted a body-corporate and politic, under the name and style of "Widow and Orphan Cemetery Company;" to have perpetual succession; may sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended against, in all courts of this Commonwealth and elsewhere; may have and use a common corporate seal, and the same alter, break, and renew at pleasure; may establish such by-laws, rules and regulations, as they may deem expedient for the government, arrangement, and disposition of the property and effects of the company; also for the government, arrangement, and election of its officers, make and alter its by-laws, and do all other things and acts necessary and proper for effecting the object of their corporation, which is to provide a repose for the dead: *Provided, however,* They do no act inconsistent with the laws of this State or of the United States.

§ 2. Said corporation shall have power to purchase, take by gift, hold, transfer, and sell, exclusively for burying purposes, such tract or tracts of land, not to exceed twenty acres, to be located within one and a half miles of the town of Crab Orchard, which shall be forever free from any interference of turnpikes, railroads, or other public improvements, unless by unanimous consent of the directors; may improve the same by avenues, walks, embellishments, and adornments; may subdivide the grounds in suitable lots for graves or vaults, and may sell the same at pleasure, which lots shall be used exclusively for burial purposes, and no other, except such portion of said grounds the directors may see fit to appropriate to horticultural purposes, and to beautifying and adorning the grounds; and said tracts or lots of land are hereby forever dedicated and set apart to be held by said corporation, their associates, successors, and assigns, for the purpose aforesaid, and no other. Said cemetery grounds, and all lots in said cemetery, shall be forever free from attachment or sale for debt, and shall be forever free from State, county, railroad or turnpike, or other taxes.

§ 3. The affairs of this corporation shall be managed by a board of directors, consisting of five persons, all of whom must be members of the aforesaid Lodge, under such rules and regulations as the Lodge may, from time to time, adopt. The board of directors may be elected an-

1871. nually by the Lodge, and hold their office for one year, and until their successors are elected and qualified; they shall choose a president out of their number, and appoint a secretary and treasurer; the treasurer shall be required to give such bond as may be deemed sufficient by the Lodge, conditioned to pay over to the order of said Lodge such sum or sums of money belonging to the said Widow and Orphan Cemetery Company. A majority of the directors shall constitute a quorum; all vacancies in said directory shall be filled by an appointment made by the Lodge.

§ 4. The persons herein named as incorporators shall constitute the first board of directors, who shall hold their office for one year, and until their successors are duly elected and qualified; they shall meet for the transaction of the business of the corporation as often as the president may deem it necessary to call them together.

§ 5. The said directors shall report to the aforesaid lodge, at their first regular meeting in the months of January, April, July, and October, the amount of funds received, and for what; the amount of funds expended, and for what purpose expended; the number of lots sold, with their respective numbers; for what price, and to whom; and all other business they may transact from the time of their preceding quarterly report; said report must be signed by at least a majority of the said board of directors; and it shall be the duty of the secretary of said lodge to record said report in a book set apart for the Widow and Orphan Cemetery Company business exclusively.

§ 6. The board of directors shall have power to erect buildings for the general use of the corporation, and for the keeper of the grounds, and to prescribe rules for inclosing, adorning, and erecting monuments in the cemetery lots, and to prohibit any use, division, improvement, or adornment of a lot which they may deem improper; may abate or alter any improvement, construction, or division of the grounds which, in their judgment, may be objectionable or improper.

§ 7. All receipts, whether from sale of lots, from donations, or otherwise, shall be applied exclusively, under the direction of the lodge, to first paying for their grounds; then the extension of the grounds; to laying out, preserving, protecting, and embellishing the cemetery and the avenues leading thereto; and to paying the necessary expenses of the corporation; and whatever profit may arise shall be paid to the widow and orphan fund of Arab Orchard Lodge, No. 108, I. O. O. F. Lots shall be sold in such manner, and on such terms, as may be prescribed by the lodge. The lodge shall have power to ap-

propriate lots for the interment of persons of merit who are unable to procure lots.

1871.

§ 8. The original conveyances of lots from the corporation to individuals shall be evidenced by a certificate, signed by the president, and countersigned by the secretary, under the seal of the corporation, specifying that such a person is the owner of such lot; and such certificate shall vest in such proprietor, his heirs and assigns, a right in fee simple to such lot, exempt from execution, attachment, taxation, or any other claim, lien, or process whatever, for the sole purpose of interment under the regulation of the corporation; and said certificate shall have the same force and effect as deeds duly executed in other cases, and may be recorded and certified; copies thereof shall be evidence as in other cases; and said lots, or such portions thereof as may be prescribed by the board of directors, and with their assent, may be conveyed by deed, in due form of law, for the sole purpose of interment as aforesaid; but no original certificate shall be granted to any person who does not produce a receipt from the treasurer that he has paid for his lot in full, nor shall any person be proprietor of more than two lots at the same time, unless by the unanimous consent of the lodge.

§ 9. Any person who shall willfully destroy or deface the tombs, monuments, shrubbery, adornments, or anything pertaining to said cemetery or its avenues, or who shall hunt or shoot game of any kind on said grounds, shall, upon conviction of said offense, or any of them, be fined not less than five dollars, nor more than twice the value of the property injured or destroyed; and such amount shall be expended in repairing said damages, or for the improvement of the grounds; any magistrate of the county, the county judge, or other court of competent jurisdiction, shall have jurisdiction in such cases; in all suits in which this corporation may be a party, the members thereof shall be competent witnesses.

§ 10. That this act take effect from and after its passage.

Approved March 18, 1871.

CHAPTER 1656.

AN ACT to amend and reduce into one the several acts relating to the Charter and amendments thereto of the Town of Mt. Sterling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the prudential, fiscal, and municipal powers of Mt. Sterling shall be vested in a municipal board, to be known and styled the "Board of Councilmen of Mt.

Municipal powers vested in board of councilmen, of whom to consist, and when elected.

1871.

Sterling;" said board is to consist of a mayor and four councilmen, to be elected on the first Monday of June in each year, and to hold their respective offices for one year, or until their successors are elected and qualified.

Town laid off
into four wards.

§ 2. That the town of Mt. Sterling shall be laid off into four wards, to be bounded by the intersection of Main and Maysville streets in said town; all that part of the said town north of Main street and west of Maysville street is to be known as ward No. 1; all north of Main street and east of Maysville street as ward No. 2; all south of Main street and east of Maysville street as ward No. 3; and all south of Main street and west of Maysville street as ward No. 4. Each ward is entitled to one councilman, and no ward shall elect more than one; said councilman shall be a resident and freeholder in his ward. The mayor of the town must be a resident of and freeholder therein. At each annual election the said mayor must be voted for as such; and he, together with the four councilmen and other municipal officers, as hereinafter set forth, may be voted for on a general ticket at one voting place in the said town, to be designated by the board of councilmen.

Each ward
entitled to one
councilman.

Mayor to be
elected.

§ 3. The mayor and board of councilmen, before they enter upon the duties of their respective offices, shall take an oath before some officer qualified to administer the same, that they and each of them will faithfully and without partiality, fear or affection to any one, discharge their and each of their duties as such officer during continuance in office.

Mayor and
councilmen to
take oath.

§ 4. The mayor shall preside at all meetings of the board of councilmen, and in case of a tie shall have a casting vote. He may call meetings of the board when, in his opinion, the interest of the town demands it, or a majority of the board of councilmen requires it; and it shall be his further duty to see that all ordinances, rules, regulations, and laws of the said town are duly executed.

Mayor to pre-
side at meet-
ings of board.
May call meet-
ings.

§ 5. That the said board and their successors shall be a body-politic and corporate, and shall be known by the name and style of "The Board of Councilmen of Mt. Sterling;" and by that name shall be capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered, and of defending and being defended, in all courts and places; and to do all acts, matters, and things which a body-politic and corporate having perpetual succession can lawfully and rightfully do; and the said body-corporate, under the said name and style of the Board of Councilmen of Mt. Sterling, are here fully invested with all claim, right, title, and interest in and to all rights of action, assets, and claims, claimed by or for the former trustees of Mt. Sterling; and the title to all real estate

Board to be
body-politic, &
corporate pow-
ers.

Vested with
rights of form-
er trustees.

now held and owned by the trustees of Mt. Sterling is hereby vested in the mayor and board of councilmen as their successors in office, to be held and disposed of as hereinafter directed.

1871.

§ 6. 1st. That the said board of councilmen, or a majority of them, shall have power to sell and dispose of such property or lots they may have the title to, and provide for the reinvestment of the funds arising therefrom for the benefit of the said town: *Provided*, That no such sale shall be made which will interfere with the vested rights of the inhabitants of said town.

Board may sell and dispose of property.

2d. They shall have power to make or receive any and all necessary conveyances in relation to said town.

Make and receive conveyances.

3d. They shall have the power to open, lengthen, straighten, alter, and improve the streets, alleys, and sidewalks in said town, in such manner as they may deem most beneficial to the interests thereof.

Open and improve streets.

4th. To make regulations to prevent the introduction or spread of contagious diseases in the town; to pass quarantine laws for that purpose, and to enforce the same within two miles of the boundaries of said town.

Make regulations in regard to contagious diseases.

5th. To establish a hospital and pest-house whenever necessary, and make and enforce all needful regulations for the government thereof, and to make all needful rules and regulations they may deem necessary to secure the general health of the inhabitants of the town, under such penalties as they may see fit to impose, under the restrictions hereinafter to be set forth.

Establish hospital and pest-houses.

6th. They shall have power to declare what are nuisances, and to prevent, abate, or remove the same at the cost and expense of the owner or occupier of the premises whereon the said nuisance may exist, and to punish by fine or imprisonment, or both, any person who may cause, keep, erect, permit, or commit a nuisance; and jurisdiction in such cases is invested in the police judge of Mt. Sterling.

Declare what are nuisances.

7th. To suppress gaming, drunkenness, gambling-houses, and disorderly houses of all kinds, under such penalties as prescribed by the laws of the State and this charter, full jurisdiction being given to the police judge of Mt. Sterling.

Suppress gaming, &c.

8th. They shall have full power to regulate the storage of gunpowder, coal oil, alcohol, and other combustible materials, and cause the same to be kept or stored at such place or places, and in such manner as they may deem prudent and fit, under the penalty of not exceeding fifty dollars for each violation of such law, and the police judge of Mt. Sterling shall have full jurisdiction thereof.

Regulate storage of powder, &c.

9th. To provide for the security and safety of the town against fire, they may organize a fire company, defining

Provide against fire.

1871.

CHAPTER 1650.

AN ACT for the benefit of Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Logan county court be, and is hereby, authorized and empowered to levy an ad valorem tax, of not exceeding three per cent. per annum, upon all property listed for revenue purposes in said county, for a period of not exceeding four years; the revenue arising from said tax to be applied by said judge to the liquidation and discharge of a subscription of \$500,000 made by Logan county to the Owensboro and Russellville Railroad Company.

§ 2. That the judge of Logan county court be, and is hereby, authorized and empowered to issue the bonds of Logan county, in pursuance to the said subscription; said bonds to mature in ten years from the issuance thereof, with interest thereon at any rate not exceeding ten per cent. per annum, payable semi-annually, for any sum not exceeding \$380,000, in liquidation and discharge of said subscription of \$500,000, on the part of Logan county, to the Owensboro and Russellville Railroad Company.

§ 3. That before the said judge shall levy said ad valorem tax for the purpose of liquidating said subscription, or for the purpose of purchasing said bonds, or before the issuing of said bonds at any rate per cent., not exceeding ten per cent. per annum, as provided for in the 1st and 2d sections of this act, said judge shall submit to the qualified voters of Logan county one or both of said propositions, as he may elect, on notice of not less than fifteen days; and if, at said election, either of said propositions shall receive a majority of votes cast at said election, then the said judge shall act in accordance with the will of the majority so expressed.

§ 4. This act shall take effect from its passage.

Approved March 17, 1871.

CHAPTER 1652.

AN ACT for the benefit of A. C. Cox, late Sheriff of Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. C. Cox, late sheriff of Green county, be, and he is, allowed further time until the first of June, 1871, to make out and return his delinquent list as sheriff of Green county: *Provided*, This act shall not be construed

so as to affect the rights of any judgment creditor of said sheriff or his securities.

1871.

§ 2. This act shall take effect from its passage.

Approved March 17, 1871.

CHAPTER 1653.

AN ACT to incorporate the Town of Knowlesburg, in Morgan County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Knowlesburg, in the county of Morgan, be, and is hereby, declared an incorporated town; and it shall embrace in its corporate limits all the land embraced in the following boundary: Beginning at the mouth of the Elk Fork; thence up the Licking river to the mouth of the Dry Branch; thence with the lines of Knowles, Brough & Co. to the beginning.

§ 2. That the financial and municipal affairs of said town shall be vested in three trustees, who shall be elected annually by the qualified voters residing in said town. No person shall be eligible to the office of trustee unless he be a resident of said town. Said trustees shall hold their offices until their successors are duly elected and qualified; and shall have power to fill vacancies in their own body by appointment. A majority of said trustees shall be a quorum for the transaction of business.

§ 3. The first election of trustees shall take place on the first Saturday in April, 1871, at which time shall also be elected a police judge and marshal for said town. It shall be the duty of the county judge of Morgan county court to appoint judges, and a clerk and a sheriff, to hold said election, and to designate a place in said town at which said election shall be held; and said officers shall have the same powers as judges, clerks, and sheriffs under the general laws of the State; and, in addition, the right to issue a certificate of election to the candidates for office receiving the highest number of votes, which certificate shall confer on the person therein named the right to hold the office to which he is certified to have been elected. The place and mode of holding all other subsequent elections shall be regulated by a by-law, to be adopted by the board of trustees:

§ 4. That said trustees shall be a body-corporate, with all the general powers conferred by the laws of this Commonwealth on bodies-corporate of like character; and shall be known by the name and style of the "Board of Trustees of Knowlesburg."

§ 5. The board of trustees shall elect one of their number chairman of the board to preside over the meetings.

1871. thority to license taverns in said town is hereby repealed; but the license which any tavern-keeper has obtained shall be good until the time shall have expired for which he obtained it: *And provided further*, That nothing in this section shall be so construed as to authorize the board of council to prohibit the sale of spirituous liquors by merchants as now authorized by law; and no license by said board of council for the keeping of taverns, groceries, victualers, confectioneries, establishments for retailing liquors, alleys for nine or ten-pins, or any public house, shall authorize the person to whom license may be granted to sell spirituous liquors before such person shall obtain a license from the clerk of the Montgomery county court authorizing such sale for the period of one year; nor shall the owner of a nine or ten-pin alley use the same for profit, by virtue of such license from the said board of council, until such owner shall obtain a license from said clerk authorizing the use of said nine or ten-pin alley for one year; which license said clerk shall issue upon the payment by such owner of fifteen dollars; and upon the payment by such holder of the license for the sale of spirituous liquors of the sum of ten dollars; which sum so received by said clerk he shall pay to the trustee of the jury fund.

May borrow
money for mu-
nicipal pur-
poses.

15th. The board of councilmen of said town, and their successors in office, shall have power to contract debts by borrowing money, or otherwise, for municipal purposes, to be used within said town, in any sum not exceeding one thousand dollars, and to give their corporate obligations to pay the same, which shall be enforceable as other similar corporate obligations, never, however, to bear a greater interest than ten per cent.: *Provided, however*, That whenever said board shall desire to create a debt or borrow money in any amount exceeding one thousand dollars, they shall have such power by submitting it to a vote of the qualified voters of said town; and if a majority of those voting shall direct such loan to be created or debt incurred, then the board of councilmen are authorized to act; and to ascertain the will of the voters, a poll may be opened in the same way as for the election of mayor and board of councilmen, and under similar notice.

May appoint
policemen—
their powers.

16th. The board of councilmen shall have power to appoint four policemen, which number may be increased as the exigency of the case may require, who shall have the same power to arrest and apprehend violators of the penal and criminal law, and laws relating to the town of Mount Sterling, and town ordinances, that sheriffs or constables have.

Erect station-
house, work-
house, &c.

17th. The mayor and board of councilmen shall have power, upon lands now provided, or such as may hereafter

be provided, within or without the town limits, to erect a suitable building or buildings for a police station-house and for a work-house; and in the police station-house shall be held and confined all persons arrested for any violation of any of the ordinances of said town, until his or her case is finally tried before the police court of said town, or other court authorized to try such cases, unless such party so arrested shall give bail before said court, in such sum as the court may direct, for his or her appearance and trial in said court; and in the town work-house shall be confined all persons committed on final process of the police court of Mount Sterling, all beggars, vagrants, bawds, and bawdy-house keepers, all persons committed in default of bail, upon orders of said police court, or any magistrate in said town, or the county judge, requiring surety for the peace or good behavior, or as suspected felons, or for other causes; and those put therein for short terms of imprisonment, for offenses committed in said town by said courts on *capias pro fines*, shall have liberty to work out the sums they are charged to pay, including costs, at not less than fifty cents per day, the price to be regulated by ordinance of said mayor and board of councilmen, at such labor therein as they may be directed to do; but all able-bodied persons put into said work-house for any of the causes aforesaid by said courts, shall be compelled to labor at such labor as may be prescribed by ordinance of the mayor and board of council of said town, until discharged; and the mayor and board of council of said town shall have power to pass all ordinances for the police, government and management of said police station and work-house. Said mayor and board of council may have power to compel any able-bodied persons confined in said work-house to work under the superintendence of the marshal or other person appointed by them, on any of the streets or alleys or public grounds of said town, and allow the same rate per day for their labor as allowed for work in the work-house. Nothing herein is to preclude the party convicted from replevying the fine and costs assessed against him or her.

1871.

And who may
be confined in
same.

May compel
persons con-
fined in work-
house, to work
on streets, &c.

May license
auctioneers.

18th. The board of councilmen shall have power to license auctioneers within the limits of said town; and for such license they may impose a tax not to exceed ten dollars per annum on each auctioneer. They shall have the power to impose a tax not to exceed twenty dollars for the first day, and ten dollars for each subsequent day, upon all peddlers, itinerant or other merchants, temporarily auctioning or selling goods in Mt. Sterling.

May tax do-
mestic animals
running at
large.

19th. They shall have power to impose a tax upon all domestic animals running at large in said town.

1871.

Clerk to keep
record of pro-
ceedings of
board.

§ 7. 1st. It shall be the duty of the clerk of the board to make at each meeting thereof a full and complete record of their acts and doings, and record the same in a book kept for that purpose; and each law, regulation, or ordinance, passed by said board, shall be spread at large by him on said record, and he shall furnish a copy thereof for publication in such manner as the board may direct.

To make copy
of a assessor's
book.

2d. It shall be the further duty of said clerk to make and deliver a copy of the assessor's book to the collector of taxes of said town, and take his receipt for the same.

To issue li-
cense.

3d. It shall be his duty to issue such licenses as are authorized by this act, and collect the price thereof, which he will pay over to the treasurer of the town, and make due report thereof to the board of councilmen at the next meeting thereof.

Treasurer to
keep an ac-
count of all
money received
by him.

§ 8. 1st. It shall be the duty of the treasurer to keep a true and faithful account of all money received and paid out by him, and he shall render an account of the same to the board of councilmen whenever required by them so to do.

And make a
public expose
of the same an-
nually.

2d. The treasurer, every year, before the election of mayor and councilmen comes on, shall make a public expose of the financial condition of said town, and therein exhibit the receipts and expenditures for the last fiscal year.

Assessor to be
appointed, and
his duties and
powers.

§ 9. The board of councilmen of said town shall annually appoint one town assessor, who shall take a list of all the taxable inhabitants and owners of property in said town, and affix against each separately the amount of his, her, or their whole estate within said town, subject to taxation under the laws of this Commonwealth, or any ordinance of said town, which list shall be taken in the same manner that the revenue lists are now or may hereafter be taken: *Provided, however,* That the tax-payer shall have the right to appeal from said assessment to a board of commissioners of taxation, to be appointed by the judge of the police court at each June term of the said court, and to hold their office one year. Said commissioners shall be freeholders in said town, voters and discreet men, not less than three nor more than five in number, and they shall have full power to alter, change, and revise all assessments made by the assessor of the town, on good and sufficient cause shown, and their decision shall be final. Such appeal, however, must in all cases be made within sixty days after the assessment.

Attorney for
board to be
elected, and
his duties.

§ 10. The board of councilmen shall elect an attorney for said board and police court, whose duty it shall be to give legal advice to the board when called upon; to prosecute all persons in said court charged with a violation of the criminal and penal laws, and of the by-laws and ordi-

nances of said town; institute proceedings for the enforcement and forfeiture of recognizances and bail bonds, and the enforcement and collection of all judgments against offenders; and for his services in every case he shall be entitled to, as his fee, the sum of two dollars: *Provided, however,* That in all jury trials where the said attorney does not receive a part of the fine, there shall be taxed a fee of two dollars and fifty cents against the defendant if convicted.

1871.

§ 11. That the persons entitled to vote for mayor and board of councilmen shall, at the time and place of the election thereof, elect a marshal for the said town, who shall hold his office for the term of one year, or until his successor is elected and qualified; and whenever a vacancy occurs in said office, it shall be filled for the remainder of the term by appointment of the mayor and board of councilmen. The marshal, before entering upon the duties of his office, shall give bond, payable to the board of councilmen, with security, to be approved by the mayor, that he will well and faithfully perform the duties of his office, and will pay over and account for all money collected by him upon execution, warrant, fee bill, account, or other thing placed in his hands for collection, under the penalties and conditions of like bonds given by constables and sheriffs for the performance of their duties. It shall be the duty of the marshal to serve all process, precepts, notices, and other thing to him directed, out of any court of this Commonwealth, and make due return thereof; and he shall have the same power in the service thereof that constables now have under the laws of the State. It shall be his duty to collect all executions and other demands which may be put in his hands to collect, and account for and pay over the same to whosoever may be entitled thereto, under the same rules and regulations required of constables in the collection of executions or other demands; and for failure of any of the duties required of him, he shall be subject to the same proceedings and penalties which may be had against a constable in similar cases. He shall collect the taxes and revenue of said town, and shall give bond with security, to be approved by the mayor, for the faithful discharge of this duty, in addition to the bond given for the discharge of the other duties of his office; and he shall account for and pay over the same under the same rules and regulations required of sheriffs in the collection of taxes; and for his failure to do so, shall be subject to the same proceedings and penalties which may be had against a sheriff in similar cases. He shall be entitled to the same fees for collecting the town tax and levy that sheriffs have for collecting the State tax and county levy; and in all other cases shall be allowed

Marshal to be
elected—his
powers and du-
ties.

1871. to charge and receive the same fees allowed constables in similar cases. Said marshal shall be vested with all power and authority which is given constables; and he shall have power, if need be, to summon all the aid of the county in executing any process to him directed; and any person failing to aid him when so summoned, may be fined not exceeding five dollars, or imprisoned not exceeding eight hours, by the police judge, or any justice of the peace of said county. The town marshal, policemen, and lawfully appointed night-watch of said town, shall have the same power to arrest felons, accused and disorderly persons, within the limits of said town, that is now given by law to the police officers of the city of Louisville. The marshal of said town may, by and with the consent of the board of councilmen, appoint one or more deputies, who shall take such oath as they may prescribe; and for their official acts the marshal shall be responsible, under the same rules and regulations that sheriffs are now responsible for the acts of their deputies. For his *ex-officio* services, the said town marshal may be allowed an amount not exceeding three hundred dollars per annum, out of any fund in the town treasury not otherwise appropriated.

Police judge
to be elected—
his powers and
duties.

§ 12. That the persons entitled to vote for mayor and councilmen of said town, shall, at the time and place of the election thereof, and every four years thereafter, elect a judicial officer, to be styled the police judge of Mt. Sterling, who shall hold his office for the term of four years; and whenever a vacancy occurs in said office, by death or otherwise, it shall be filled by an election for the remainder of the term upon due notice of the time and place of election. That the police judge shall receive a commission as such from the Governor of Kentucky, upon his receiving from the officers of election a certificate of his election, and the same shall be filed with the clerk of the Montgomery county court for record. That before he enters upon the duties of his office, the police judge shall take an oath before some judicial officer to discharge the duties of his office faithfully and impartially, without favor or affection, to the best of his ability, together with such other oaths as are usually required of public officers, or such as the by-laws of said town may require. The said police judge shall have jurisdiction in said town, and the town precinct, of all civil causes of which justices of the peace have or may hereafter have jurisdiction; and of such other cases as may be returned before him, whether such cases, or the penalty to the same, be in said town, or anywhere else in the county. In all criminal cases the said police judge shall have the jurisdiction as a court of inquiry, now or hereafter given by law, to two justices of the peace of

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said county, and shall proceed in like manner as said justices are required by law in criminal cases. The police judge shall have jurisdiction of all cases of motions and suits against the treasurer, marshal, deputy marshal, clerk, or other officers of said town, for all sums of money, or other thing, which may be due from them, or either of them. He shall have full power and authority to grant injunctions, attachments, restraining orders, writs of *ne exeat* and *habeas corpus*, and to issue warrants in civil or criminal cases, under the same rules and regulations prescribed by the several acts authorizing justices of the peace, or the county judge, to grant injunctions, attachments, restraining orders, writs of *ne exeat* and *habeas corpus*, and to issue warrants; and it shall be the duty of said judge to keep a record of his proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace. He shall have power to issue summons for witnesses to give evidence in causes pending before him, or to give their depositions, and upon their failure to attend, to issue compulsory process to cause their attendance. He shall have power to fine and imprison for contempt: *Provided*, The fine shall not exceed five dollars, and the imprisonment eight hours. He shall have power to take depositions, and certify the same as justices of the peace now have, and his certificate to such depositions shall have the same effect as though made by a justice of the peace. He shall have power to order the marshal to summon a jury in any case cognizable before him, when a jury would be necessary before a circuit court or justice of the peace. He shall have a jury to try all matters before him, if desired by either party, if the amount in controversy is more than sixteen dollars. Said judge shall have power and authority to direct his process to be executed by any constable, or the sheriff of Montgomery county, as well as by the marshal of said town. The police judge shall be entitled to the following fees, to-wit: For issuing a peace or other warrant, fifty cents; for swearing a jury and presiding over it in any case, except breaches of the peace and forcible entry and detainer, one dollar and fifty cents; for presiding at the trial of all breaches of the peace or misdemeanors, to be taxed against the defendant, if found guilty, and for swearing a jury and superintending a trial of a writ of forcible entry and detainer, two dollars; for presiding at an examining court, to be paid out of the treasury, two dollars per day; for taking recognizance to keep the peace, one dollar, to be paid by the applicant, and taxed as costs against the defendant; for taking recognizance in court, thirty cents; for taking deposi-

Fees of police
judge.

1871. tions, same fees allowed examiners; for granting an injunction, attachment or restraining order, or writ of *ne exeat*, each fifty cents; for each bond and oath to sureties, and certificate thereof, fifty cents; for each order of injunction, fifty cents; for each copy thereof, twenty-five cents; for each order of attachment, fifty cents; for each copy thereof, twenty-five cents; for each summons in ordinary or equity, fifty cents; for each copy thereof, twenty-five cents; for each order of delivery, fifty cents; for each copy thereof, twenty-five cents; for each subpoena, twenty-five cents; for each subpoena *duces tecum*, fifty cents; for each distress warrant for rent, fifty cents; for each execution, including indorsements and return thereof, to be charged when issued, sixty cents; for a copy of any execution, thirty cents; for issuing a summons for a garnishee, fifty cents; for each warrant of arrest for witness or witnesses, twenty-five cents; for docketing a cause at each term, ten cents; for rendering a judgment, twenty-five cents; for recording an original judgment, without a jury, twenty-five cents; for each copy of a judgment, twenty-five cents; for each order of court, in any action, twenty-five cents; for each copy thereof, twenty cents; for taxing costs for each party or parties, at each term when judgment for costs is rendered, or on final judgment, twenty cents; for a copy of each order of arrest in ordinary or equity, twenty-five cents; for entering and giving a post note of an estray, affidavit and certifying, &c., fifty cents; for an order of commitment in any case, fifty cents; for all services for which fees are not specially allowed herein the police judge shall be allowed to charge and receive the same now allowed by law; and all other fees of said judge shall be the same as allowed by law to justices of the peace for like services.

Who to act in
case of absence
of police judge.

§ 13. That when said police judge fails to attend any of his regular courts for the trial of civil actions, it shall be lawful for the nearest justice of the peace, or the mayor of said town, to hold said court, and render judgments for him, which shall be entered upon his record as though rendered by himself, and executions issue thereon accordingly.

Appeals may
be had from
police court.

§ 14. Either party to any judgment rendered by said police judge may appeal to the circuit court under the same rules and regulations authorizing appeals from justices of the peace to that court.

Writs of *a. fac.*
may issue.

§ 15. On all judgments in criminal, penal, and civil cases in said court, and for a breach of the by-laws and ordinances of said town, the same writs of *feri facias* and *capias pro fine* shall issue as are by law allowed for the

collection and enforcement of similar judgments in circuit and quarterly courts.

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§ 16. Any of the officers aforesaid who shall fail, neglect, or refuse to execute any warrant, summons, or process, and make due return of the same, shall be fined not less than twenty dollars upon the motion in said court of the town attorney, or of any party aggrieved—ten days' notice having been given to the said officer.

Penalty for failure of officers to perform duties.

§ 17. Any officer who shall fail to collect any writ of *feri facias*, or execute any *capias pro fine* issued from the police court, and make due return thereof according to law, shall, with his securities, be subject to all the damages and penalties now imposed by law upon sheriffs for failing to collect, return, and pay over money when collected on writs of *feri facias* and *capias pro fine*.

Penalty for failing to collect writs of *feri facias*, &c.

§ 18. A return of "not found" on a *capias pro fine*, or of "no property found," in whole or in part, on a *feri facias*, issued on any judgment in said police court, shall authorize an attachment out of chancery in favor of the Commonwealth or board of councilmen of Mt. Sterling, or other plaintiff, against the choses in action and other effects of the defendant or defendants, in the same manner that the return of "no property" authorizes an attachment in chancery on judgments rendered in the circuit courts.

Who to authorize an attachment.

§ 19. If any person shall be drunk in the limits of said town, and disorderly on the streets or alleys thereof, he shall be fined five dollars.

Penalty for drunkenness.

§ 20. If any person shall willfully interrupt or disturb a congregation assembled in or at any place of or for religious worship, or misuse or maltreat any person being there, or shall disturb or interrupt any lawful assembly or school, or school exhibition, he shall be fined in a sum not less than five nor more than fifty dollars, or imprisoned not less than five nor more than twenty days, or both so fined and imprisoned, at the discretion of the jury.

Penalty for disturbing religious worship.

§ 21. If any person shall sell, loan, or give any spirituous liquors, or mixture of the same, to any minors without the previous written consent of the father, mother, or guardian, attested by two witnesses, or shall suffer or permit any minor to have or drink any spirituous liquors, or mixture of the same, on his premises, or premises under his control, he shall be fined the sum of thirty dollars; and if he be a vendor of ardent spirits by license, he shall be fined sixty dollars.

Penalty for selling or giving liquors to minors.

§ 22. It shall be the duty of all policemen and peace officers to arrest all disorderly or drunken persons and take them before the police court, to be dealt with according to law: *Provided*, That when any drunken or disorderly person is arrested in the night time, the officer making the

Police to arrest disorderly persons.

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arrest may commit him to the county jail or work-house, or watch-house, until the next morning, when he shall be carried before the police judge or court to be dealt with according to law; and the jailer of Montgomery county is hereby directed to receive such persons when arrested and in custody of such officer in the night time without any order of commitment.

Prosecutions
to be in the
name of Com-
monwealth.

§ 23. That when any prosecution is instituted for a breach of any of the ordinances or by-laws of said town, the prosecution shall issue in the name of the Commonwealth, for the use and benefit of the board of councilmen of Mount Sterling, and said town shall be entitled to the fine or penalty recorded; and in case the defendant or defendants are acquitted, said town shall be liable to the officers for the costs.

Fines, &c., to
be paid to town
treasurer.

§ 24. That all the fines and forfeitures for a violation of said ordinances or by-laws of said town, and in all cases cognizable before said police judge, shall be collected and paid to the treasurer of said town for the use and benefit of said town; and all moneys collected by judgments of justices of the peace for a violation of any of the ordinances or by-laws of said town, shall, in like manner, be paid over to the treasurer.

How money
drawn from
treasury.

§ 25. No money shall be drawn from the treasury except by order of the mayor, in pursuance of allowances made by said board of councilmen.

Who to take
bail.

§ 26. The officer executing any process requiring bail shall have authority to take the bail.

Who to vote
for officers.

§ 27. That at all elections held for the election of officers for the town of Mount Sterling, the voters of said town shall consist of male citizens of said town over the age of twenty-one years, and who have been *bona fide* citizens thereof twelve months preceding the election, and also by the male citizens of the age of twenty-one years, who may live without the limits of said town, but within the limits of the voting precinct in which the town of Mount Sterling is situate, and who shall be the owners of real estate within the limits of said town subject to taxation under the general law.

Persons may
be committed
to jail until
work-house
erected.

§ 28. That until the work-house herein provided for is erected and prepared for their reception, all persons, upon their trial and conviction in the police court of any crime or offense, shall be committed to jail until the fine and costs are paid or replevied: *Provided*, That the imprisonment shall not be longer than at the rate of twenty-four hours for each two dollars of said fine and costs: *And provided further*, That a writ of *feri facias* may be issued at any time thereafter against the estate of the defendant or defendants for the amount of the fine and costs until the same are satisfied.

§ 29. That the police judge of said town, in every year, ten days before the annual election, shall appoint two competent persons as judges of the election, who, after being duly sworn before a justice of the peace or police judge, shall, in conjunction with the clerk of the board of councilmen, or a clerk appointed by said board, hold an election as heretofore provided: *Provided*, That if said police judge shall fail to appoint judges of election, as before named, the county judge of said county shall, on the application of any person, appoint judges and a clerk to hold said election.

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Officers of election to be appointed.

§ 30. That the present officers of said town shall continue in office, and perform all the duties required, until their successors are elected and qualified by law.

Present officers to continue until others elected.

§ 31. That all the acts and doings of the former and present police judges and marshals of said town, that are not in conflict with the Constitution and laws of this Commonwealth, are hereby legalized and made binding as though said police judges and marshals had been elected at the times required by the Constitution.

Acts of former officers legalized.

§ 32. That there shall be a digest of the ordinances and by-laws of said town, which are of a general nature, published within three months after the passage of this act, and a like digest within every three years thereafter, which shall be printed in the town newspaper, or printed and posted in five of the most public places of said town.

Digest of ordinances and by-laws to be made.

§ 33. That all general laws relating to towns, and not inconsistent with the provisions of this act, shall apply to the town of Mount Sterling.

General laws made applicable.

Approved March 18, 1871.

CHAPTER 1657.

AN ACT to incorporate the town of Calvert City, in Marshall county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Calvert City, in the county of Marshall, be, and the same is hereby, incorporated, with such boundaries, streets, alleys, and such other public grounds, not exceeding one hundred acres, as may be laid out and defined by the trustees in a survey and plat of said town, which plat shall be recorded in the Marshall county court clerk's office.

§ 2. That there shall be five trustees elected annually, on the first Saturday in May, for said town; that said trustees and their successors in office shall be a body-politic and corporate, and known by the name and style of the Trustees of the Town of Calvert City; and by that name be capable of contracting and being contracted with, of

1871. suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth; and that said trustees may have and use a common seal, and shall have all the powers, privileges, and be subject to the same duties and liabilities, as is provided by the general law.

§ 3. The county court of said county may appoint trustees for said town, to hold their office until the first election and qualification of their successors.

§ 4. This act shall take effect from its passage.

Approved March 18, 1871.

CHAPTER 1658.

AN ACT to incorporate the Town of Mt. Olivet, Robertson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Boundary of town.

§ 1. That so much of the county of Robertson as is contained within the following boundary, be, and is hereby, established as the town of Mt. Olivet, in said county, to-wit: Beginning at the center of the point of intersection of Main and Walnut streets; thence radiating a distance of 120 poles in every direction.

First trustees, & when others to be elected, together with police judge & town marshal.

§ 2. That O. S. Deming, Wm. M. Dayton, R. C. Ward, L. M. Dallas, and W. M. Chandler, are hereby appointed trustees of said town, who shall hold their office until the first Monday in April next, at which time, and annually thereafter, there shall be elected by the qualified voters of said town, who have been residents of said town for sixty days, and shall have paid their poll-tax for the preceding year, for five trustees, a police judge, and town marshal, who shall hold their office for one year, and until their successors shall be elected and qualified; they shall, in addition to the constitutional oath, take, before some officer authorized to administer oaths, that they will faithfully, and without favor or affection to any one, discharge the duties that may devolve upon them during their continuance in office; said trustees shall have power to fill any vacancy that may occur in their own body; they shall elect one of their own body chairman, who shall preside at all meetings of the board when present; and in his absence, a chairman *pro tempore* shall be chosen from among the members of the board. The chairman shall be the executive officer of the board, and shall have power to administer oaths to any officer appointed by the board, or concerning any matter pending before the board, or connected with the administration of the affairs of said town; and any oath so administered by the chairman shall be as valid and binding as if administered by

To take oath.

Vacancies—how filled.
Chairman—his powers and duties.

a justice of the peace. The election of trustees and other elective officers shall be conducted by one or more of the members of the board, or such other persons as shall be appointed by the board for that purpose, and shall be held at such place as the board may direct. The officers conducting the election of trustees and other elective officers shall return the names of the persons elected, which shall be recorded by the clerk of the board in his official book. At least ten days' notice of the time and place or places of holding any election for officers of said town shall be given by notices issued by the clerk of the board, posted up in at least three public places within said town.

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Who to conduct elections.

§ 3. The board of trustees may, from time to time, by by-laws or ordinances, fix and regulate the time and places of their regular meetings, and also prescribe the mode in which special meetings may be called; and may inflict a penalty on any member for non-attendance, not exceeding two dollars, for failing to attend any one meeting. Such fines to be collected by the marshal on the order of the board so directing him, attested by the chairman and clerk, and shall be applied to the purchase of stationery, lights, and fuel for said board.

Time and place of regular meetings to be fixed.

§ 4. That said board of trustees shall be a body-politic and corporate, and shall be known by the name and style of the "Board of Trustees of the town of Mt. Olivet;" and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, defending and being defended, in all courts of the Commonwealth.

Body-politic, name and style, corporate powers.

§ 5. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in said board of trustees; a majority of whom shall constitute a quorum for the transaction of business.

Municipal concerns of town vested in trustees.

§ 6. The board of trustees shall have power and authority to clear the streets, alleys, sidewalks, and passways in said town of all obstructions; to erect and sink cisterns, wells, and pumps, and keep open all springs in said town, and to declare them free to the use of the public, except for stock water. They shall also have power and authority to preserve and protect, free from encumbrance, all public grounds and improvements in said town; they shall have full power and authority to remove, or cause to be removed and abated, any nuisance or nuisances in said town, and to regulate the storage or removal of any combustible or unwholesome material that may tend to endanger property, or injure the health or diminish the comfort of the citizens or the public; they shall also have power and authority to cause any chimneys, flues, stove-pipes, fire-places or hearths, that, in their judgment, may

Clear streets & alleys, open springs, sink cisterns, &c., & general powers in relation to said town.

1871. threaten the security of property, to be changed or repaired, so as to remove the cause or danger of insecurity; and may prescribe the height, location, material, and dimensions of all such chimneys, flues, stove-pipes, fireplaces, and hearths, as may hereafter be erected in said town; they shall also have power and authority to cause the owners and occupiers of property fronting on streets or alleys to keep the streets, alleys, or pavements in front of them from obstructions, dirt, or filth; and in all cases enumerated in this section, when the person or persons who should do so fail or refuse to obey and perform the directions given, or the regulations or ordinances passed in relation thereto by the board of trustees, they may cause the same to be executed, done, or performed; and all costs and charges thus incurred shall be paid by those who should have complied with the directions or ordinances of the board in relation thereto, and may be recovered by warrant in the name of the trustees, before the police judge, or any justice of the peace having jurisdiction, or by suit in the Robertson quarterly or circuit court; and in addition, the board of trustees may, by order or ordinances, affix a penalty by way of fine, not exceeding twenty-five dollars, for any failure to comply with or violation of this act, enforceable by warrant before the police judge of said town, any justice of the peace having jurisdiction, the presiding judge of the Robertson county court, or by indictment in the Robertson circuit court.

May cause
sidewalks to be
curbed, paved,
&c.

§ 7. That the board of trustees may, from time to time, direct and require the owners of lots or parts of lots in said town, fronting on any street or alley, to cause suitable sidewalks in front of their respective lots or fractions of lots, to be curbed and paved in such manner, with such material, of such width, and at such elevations, as the board may deem expedient; also to repair the same in such mode and manner, and at such time, as the board may direct; if the owner or owners of such lot or lots, or fraction of such lot or lots, fail or refuse to have the sidewalk paved, curbed, or repaired, or finished within the time and in the manner prescribed by the board of trustees, it shall be lawful for said board to have the same done; and all costs and charges expended or incurred in the execution of such work shall be taken, and be a tax upon said lots and fractions of lots, and the owners thereof respectively, in proportion to the amount which the whole improvement made under such order bears to the length in front of said lots or fractions of lots, respectively, which, when ascertained and determined as the said board of trustees may, by ordinance now in force, or hereafter to be passed, provide, shall be listed with the marshal of the town, and col-

lected as other taxes. Notice of such order or direction for constructing, repairing, paving, or curbing sidewalks, shall be given by written notice set up at five public places in said town, one month previous to the time fixed for the commencement of such work, and also a copy of such order or direction shall be executed on the owner or owners of such lot or lots or fraction of lot or lots, by the marshal, or any constable of Robertson county, and returned to the clerk of said board of trustees, with the return thereon written, shall be *prima facie* evidence that said order or direction was given and executed on the person or persons named therein, and attested copy of the same may be used on the trial of any cause, and shall have the same force and effect as other attested copies now authorized by law.

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§ 8. That said board of trustees shall be authorized to purchase and hold any quantity of ground, not exceeding four acres, within one mile of the limits of the town of Mt. Olivet, for a burying-ground; and may make all needful and necessary regulations for the use and protection of the same.

May purchase land for burying-ground.

§ 9. That said board of trustees shall have power and authority to assess annually, levy and collect, a tax not exceeding fifty cents on the hundred dollars' worth of property, and they may also levy and collect a poll-tax of not exceeding two dollars on all male persons within said town over the age of twenty-one years. They may prescribe the time and mode of taking the lists of taxable property for town purposes, and of ascertaining the value thereof, and of correcting the lists or valuation of the assessor, and may fix penalties for refusing to give in list, or giving in a false or fraudulent list, and may prescribe an oath, to be administered by the assessor to all persons giving in lists of property. The clerk of the board of trustees shall, within the time prescribed by the board, not later than the first of June in each year, record in a book to be kept by him for that purpose the assessor's list, with any corrections that may have been made therein by the board; and said lists thus recorded, or copies thereof, attested by the clerk, shall be received in evidence in any court, and shall be *prima facie* evidence that the assessor complied with all duties required of him by law; and shall also be *prima facie* evidence that the laws in relation to the fixing and adjustment of taxes have been regularly complied with by the board of trustees and other town officers.

May levy and collect taxes.

§ 10. That the board of trustees of said town shall have the exclusive right to license, and to provide by ordinance for licensing and taxing and regulating, the sale of spirituous, vinous, or malt liquors, or to license saloons, coffee-houses, billiard saloons, bowling alleys, auctioneers, peddlers, taverns, or vendors of spirituous, vinous, or malt

In relation to licensing.

1871. liquors, in said town; and shall have the right to tax any show or exhibition exhibiting in said town, or within half mile thereof; that the tax on each vendor of spirituous, vinous, or malt liquors shall not exceed one hundred nor be less than twenty-five dollars per year; nor shall such license be granted until the applicant has executed bond, with good security, conditioned as provided by the present laws of this State in such cases, and paid the tax required: *Provided, however*, That nothing in this act shall be construed to dispense with the State tax on any person or occupation taxed by the laws of this State: *Provided further*, That no person shall, by virtue of State license granted him or them, be entitled to sell any article, or follow any occupation in said town on which there is a tax, or for which the trustees of said town require a license, without first having paid the required tax to the trustees of said town and obtained a license from said board of trustees.

May cause
bar-rooms to be
closed.

§ 11. That the board of trustees of said town may, by general or special by-law or ordinance, require all vendors of spirituous, vinous, or malt liquors in said town to close their bar-rooms, and keep them closed, and not to sell or give any such liquors to any one on the Sabbath day; and may require bar-rooms to be closed, and prevent the sale of spirituous liquors on any other public day, as they may see proper.

Persons li-
censed to exe-
cute bond.

§ 12. Any person licensed by the board of trustees of said town, who, if licensed by the county court, would be required to execute bond and take an oath, shall execute a similar bond, with security to be approved by said trustees, on which such person and his securities shall be liable in the manner and to the same extent as if executed in the county court, and shall take the same oath.

Penalty for
violating liquor
ordinances, &c.

§ 13. That if any vendor of spirituous liquors, licensed by said trustees, shall permit disorderly or scandalous behavior in his house, or on his premises, or shall permit unlawful gaming, or shall fail to close his bar-room in obedience to ordinances or by-laws, which may be passed by the said trustees under the provisions of this act, or if any vendor of spirituous liquors shall permit any one to drink to intoxication in his house, they, or any of them, shall, on conviction before the police judge of said town, be fined for the first offense not less than five dollars, nor more than twenty-five dollars, in the discretion of the court; and the license of such persons shall be suspended until the fine and cost are paid; and on the second conviction the fine shall not be less than twenty dollars, nor more than fifty dollars, in the discretion of the court, and his license shall be, by an order of the police judge, declared forfeited, and he shall not again be li-

censed to carry on the same business in said town for one year; and if the fine is not forthwith paid or replevied, he shall be confined in the county jail of Robertson county one day for each two dollars of the fine and costs, until the fine and costs are paid.

1871.

§ 14. The board of trustees of said town shall have power, by suitable ordinances or by-laws, with penalties adequate for the purpose, not, however, to exceed fifty dollars fine, or thirty days imprisonment, or both, to suppress tippling-houses, gambling-houses, and to punish any one guilty of rioting, disturbing the public peace, disorderly or indecent conduct or language, disturbing religious worship, schools, public speaking or lectures, or any lawful public meeting, injury to streets, alleys, or public grounds, shade or ornamental trees, cisterns, wells, pumps, churches, school-houses, or other public buildings or property belonging to said town or the county of Robertson, and to pass all such by-laws or ordinances as shall be necessary or proper to carry out any power given by this chapter, or for the suppression and punishment of all such disorder and irregularities as shall be prejudicial to the good order and quiet of said town; the by-laws now in force in said town shall remain until changed by the trustees; and they may prevent the exhibition of stud-horses or jacks on the streets of said town, or the exhibition of any obscene or immoral shows or pictures.

Suppress tippling-houses, punish disorderly conduct, &c.

§ 15. That said board of trustees shall exercise and possess all the powers and privileges which, by the general laws of the land in relation to towns and cities, are granted to trustees or councilmen, and shall have full power and authority to make all the necessary by-laws, rules, ordinances, and regulations for the purpose of carrying into effect the powers granted by this act, and also such as may be necessary for the comfort, cleanliness, good order, and security of said town and the citizens thereof, and may enforce the same by adequate penalties, to be recovered in their name by warrant before the police judge or any justice of the peace, or in any court of competent jurisdiction, provided the same are not contrary to the Constitution and laws of the land.

Powers of trustees.

§ 16. The board of trustees shall appoint a clerk of their board, who shall keep a full and complete record of the proceedings of every meeting of the board, in plain and legible writing, in a book kept for that purpose; and the proceedings of each meeting shall be signed by the officer presiding at that meeting, and whose further duties and pay of the clerk shall be determined by the board.

Clerk to be appointed—his powers and duties.

§ 17. That said board of trustees shall have full power and authority to pass and enforce ordinances providing

In relation to animals running at large.

1871. for the taking up and sale of all hogs, horses, cattle, and all other animals found running at large within said town.

Police judge—
his powers and
duties.

§ 18. The police judge of said town shall be elected at the same time, and in the same manner, as the board of trustees, and before entering upon the duties of his office shall be commissioned by the Governor of the Commonwealth, and take the constitutional oath faithfully and impartially to discharge the duties of his office; he shall have jurisdiction within the limits of said town of all misdemeanors; of all actions for a violation of the town charter, ordinances, or by-laws; of all prosecutions for injury or damage to public buildings or property of the town; and in all criminal and penal cases he shall have the same jurisdiction as the law confers on two justices of the peace, and shall proceed in the same manner that justices of the peace are required to proceed in such matters. He shall have full power and authority to require bail, and receive the execution and acknowledgment of recognizances of bail and bail bonds in all cases originated or tried before him in which bail is or may be required; and such recognizances and bail bonds shall be in such form, and be returned in such manner, as is or may be prescribed by the several laws authorizing or requiring bail. He shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, breaches of the peace, unlawful assemblies, keeping disorderly houses, all cases of indecent or immoral behavior, or conduct calculated to disturb the public peace within said town; over all cases of drunkenness, profane swearing, running horses, firing guns or pistols, making reports, of burning powder or matches or crackers or other explosive substance or thing, blowing horns, crying aloud, by day or night, and all other riotous conduct whatever within said town, or within one half mile of its corporate limits—all of which are hereby declared to be misdemeanors; for carrying concealed weapons, and all other misdemeanors; and in prosecutions tried before him the jury may assess a fine against each defendant for any sum not exceeding fifty dollars, in cases wherein a different penalty is not fixed. The police judge may order the marshal to summon a jury in any case cognizable before him, when a jury would be required in the circuit court or before a justice of the peace; and in all cases when the amount of the fine is or may not be fixed by law or ordinance of said town, the same shall be ascertained by the verdict of a jury. He shall have power to issue summons for witnesses in cases pending before him, and to compel their attendance. He shall have power to fine and imprison for contempts, without the intervention of a jury: *Provided*, The fine does not exceed five dollars, nor

the imprisonment six hours. He shall keep a record of the proceedings in his court, a copy of which, duly certified, shall be evidence in all courts, and have the effect as copies of other records. The records and papers of his office shall be delivered by the police judge, on the expiration of his term, to his successor: *Provided*, That all trials before him shall be held in the town of Mt. Olivet: *And provided further*, That in all cases mentioned herein, which are made penal by general laws of the State, and which are cognizable in the circuit courts, the jurisdiction of the police judge shall not be exclusive of, but concurrent with, the Robertson circuit court.

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§ 19. That the police judge shall issue his process in the name of the Commonwealth, as other warrants, and make them returnable before him as police judge of the town of Mt. Olivet, which process may be directed to the marshal of the town of Mt. Olivet, or to the sheriff or any constable of Robertson county, or to any other officers authorized by law to execute similar process; and shall be executed and returned by such officer under like pains and penalties as in other cases: *Provided, however*, That when any prosecution is instituted or carried on for a violation of the charter, ordinances, or rules or regulations of the town of Mt. Olivet, or at the instance of the board of trustees, the warrant shall state that the proceeding is prosecuted in the name of said board of trustees; and in all such cases the fine or penalty recovered, after deducting fees and costs, shall be paid into the town treasury; but in cases the defendant or defendants in such cases are acquitted, no fees or costs shall be recovered against the town; and in cases of judgment, the town shall be liable for costs only in the event of its collection in money. The police judge shall be entitled to a fee of one dollar for a peace warrant, or for a warrant for a riot, rout, unlawful assembly, breach of the peace or affray, or for any misdemeanor, or for any breach of any of the laws in relation to said town, or of any of the ordinances, by-laws, rules or regulations of said town; and in all other cases he shall be entitled to charge and collect the same fees as are allowed other officers by law for similar services; and may issue his fee bills and distrain for their collection the same as other officers; and shall be subject to the same penalties as are imposed on other officers for issuing and collecting illegal fee bills.

Process to issue in name of Commonwealth, and to whom directed, &c.

§ 20. The marshal of the town of Mt. Olivet shall be a peace officer, authorized to arrest and commit to jail any and all persons; and it shall be his duty to do so whenever he finds them violating any of the criminal or penal laws of the State or town; and it shall be the duty of the jailer of Robertson county to receive from the marshal all pris-

Town marshal —his powers & duties.

1871. oners arrested by him, and he shall keep them safely in said jail until ordered out by the police judge, or chairman of the board of trustees, in the absence of the police judge. All warrants and process of every description issuing from the police judge shall be directed to and executed by the marshal, except when he may be absent, sick, or under some disability, when they may be directed to and executed by the sheriff or constable. It shall be the duty of the marshal to attend punctually upon the meeting of the police judge court; and touching the business of said court, and all business of the town, he shall perform all the duties that would otherwise devolve upon constables or sheriffs; and for such services he shall be allowed the same fees that are now allowed to constables and sheriffs by law. He shall have power to execute warrants and collect debts, &c., in civil matters, as constables are now allowed to do; may execute all notices of every description, and subpoenas issuing from any court in Robertson county; and his jurisdiction shall be co-extensive with Robertson county; and in all such matters he shall be allowed the same fees that sheriffs or constables are allowed for similar services, which shall be paid in like manner; and the marshal shall, furthermore, perform all duties that may be required of him by ordinances of the board of trustees or police judge; and said board of trustees shall, for all services by ordinance, fix the fees of the marshal; and he shall also execute, in the county court, a bond, with the same covenants, and to be taken and approved in the same manner as constables' bonds are now by law; and said marshal shall have power to arrest, under warrant or other process, all persons charged with felonies or breaches of the penal laws of the State or town, and may execute said power anywhere in Robertson county; and upon his county court bond he shall be liable to the same extent, and in like manner, as constables are now liable by law on their bonds, to same penalties, and to be recovered in same manner, and before same courts.

Assessor—his
duties.

§ 21. The board of trustees shall, annually, appoint one town assessor, who shall take in a list of all property in said town taxable under the laws of this State, and to fix a just and fair value upon all property listed for taxation on the first day of May in that year; which list shall be made on the oath of the party; or if any one refuses to give in a list and swear to it, or fails to do so from any cause, the list shall be made from the best information the assessor possesses. One fair copy of said list, arranged in alphabetical order, shall be completed and returned to the board of trustees at their first regular meeting in June; whereof notice shall be given, that said inhabitants may

examine, or owners may examine the same; and if any one shall feel aggrieved thereby in excessive valuation, application may be made to the board of trustees, and proof being made to their satisfaction, the list may be corrected. The board of trustees shall pay the assessor a reasonable compensation for his services.

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§ 22. Each board of trustees shall, at their first meeting, appoint a treasurer, and take bond from him with approved security, conditioned for the faithful disbursement of all moneys received by him, as ordered by the board, and that he will settle his accounts, and pay over to his successor in office any balance in his hands, at the expiration of his term; and the trustees may require him, at any time, to renew his bond, and on his failure to do so in five days may remove him. The marshal, or other collecting officer collecting fines, money due for license or assessment, or any money recovered in the name of the trustees, or for their use, shall pay the same over to the treasurer within ten days after collecting the same; and on his failure to do so, he shall be responsible on his bond for the amount so collected, and twenty per cent. thereon. The treasurer shall pay out no money except on the order of the board of trustees, certified by the clerk, and indorsed by the chairman of the board.

Treasurer—
his powers and
duties.

§ 23. In case the police judge or marshal shall fail to give bond, as required by this act, within ten days after the former receives his commission and the latter is elected, he, so failing, shall forfeit his office, and the same shall be declared vacant by a resolution of the board of trustees; or if either shall remove from said town, his or their office shall in like manner be declared vacant.

Proceedings in
case of failure
to give bond.

§ 24. The board of trustees may employ an attorney to prosecute persons brought before the police court for offenses committed within the town, and may agree with him as to his compensation.

Attorney.

Approved March 18, 1871.

CHAPTER 1650.

AN ACT to incorporate the Town of Flat Rock, in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the territory, &c., included in the following boundary in the county of Bourbon, to-wit: Beginning at Mrs. S. S. Gibson's line, in the Paris and Flat Rock Turnpike, corner to Peter Bonta; thence with said line to the Jacketown dirt road, crossing the same, to the corner of James P. Squires', on said turnpike; thence with the

1871. margin of same, to a point in Squires' line opposite the lot of Jos. Wilson, jr., to Alex. Evans' lot; thence with the line of, and including said lot, to and including the lot sold by Mrs. Hurst, to E. T. Letton; thence with the line of said lot to, and including the lot of the Hope Masonic Lodge, No. 246, to the corner of Mrs. L. L. Foster's land; thence with her line to corner of Dr. J. T. DeJarnette's; thence with his line to said turnpike; thence with the same to the beginning, be, and the same is hereby, created a body-politic and municipal corporation, under the name and style of "The Town of Flat Rock," with capacity to sue and be sued, contract and be contracted with, in that name.

§ 2. That all the sections (except the first) of an act approved the 4th day of February, 1867, entitled "An act to amend and reduce into one the several acts to incorporate and relating to the town of Flemingsburg," be, and the same are, made applicable to the corporation hereby created, as a part of its charter, as fully as if set forth at large herein, except that the elections for trustees shall be held on the first Saturday of May in each year, and that the chairman of the board of trustees shall have and exercise all the powers and duties of police judge, as prescribed by section six of said act.

§ 3. Wherever in said act the word Fleming occurs, the word Bourbon shall be substituted therefor, and the word Flat Rock, for the word Flemingsburg, wherever the latter occurs.

§ 4. The first election under this act shall be held by Turner Neal, Wm. Daugherty, and Alex. Evans, or any two of them, as commissioners, first being duly sworn, and the result of the election certified under their hand to the judge of the Bourbon circuit court.

§ 5. This act shall take effect from its passage.

Approved March 18, 1871.

CHAPTER 1660.

AN ACT to amend and reduce into one the several acts in reference to the Town of Eminence.

ARTICLE I.

Boundary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present corporate limits of the town of Eminence shall be one half mile in all directions from the centre of the crossing of the Louisville, Cincinnati, and Lexington Railroad and Main street, or the road leading

from Shelbyville to New Castle (excepting on the north [of] N. W. Gould's possessions and the pike in his front); that the inhabitants within said boundary be, and they are hereby, created a body-politic, with perpetual succession, with power to sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended, by the name of the town of Eminence, and may have a corporate seal.

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ARTICLE II.

Officers and Elections.

§ 1. That the municipal government of said town shall consist of a board of five trustees, who shall be free white citizens of the United States, residents of, and owners of real estate within, said town, one of whom shall, at the first regular meeting of said board of trustees, be by them selected to preside over the meetings, and shall be styled "Chairman of the Board of Trustees of Eminence;" one of the trustees at least shall reside in each quarter of said town created by the crossing of said Louisville, Cincinnati, and Lexington Railroad and Main street.

§ 2. That the said board of trustees, and their successors, shall be a body-politic and corporate, and shall be known and called by the name and style of the Board of Trustees of Eminence; and by that name shall be capable in law, and for and in behalf of said town, of contracting and being contracted with, of suing and being sued, of defending and being defended, of pleading and being impleaded, in all courts and places, and of taking, holding, purchasing, leasing, and conveying such real and personal and mixed estate as the purposes of the town may require, within or without the limits aforesaid.

§ 3. That all the legislative power and authority of said town, together with the fiscal and prudential and municipal concerns thereof, and government and control of the same, shall be vested in said board of trustees.

§ 4. That the other officers of said town shall be as follows: a clerk, a police judge, an attorney, a treasurer, a marshal, an assessor, a collector, and such other officers as the board of trustees may, from time to time, direct and appoint.

§ 5. That an election shall be held in said town on the first Saturday in May in each year, at such place as the board of trustees may appoint, and of which ten days' previous public notice shall be given in written or printed notices posted in three public places in said town by the town clerk.

§ 6. That at the annual election there shall be elected, by the qualified voters of said town, five trustees, one

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police judge, and one marshal; and the person or persons having the highest number of votes in the whole town for either of such officers shall be declared elected.

§ 7. That officers elected by the people under this act shall respectively hold their offices as follows: the trustees one year, the police judge four years, the marshal two years, and until their successors are duly elected or appointed and qualified; but the board of trustees may appoint night and day watchmen, policemen, firemen, surveyors, gaugers, weighers and inspectors, and other like officers, to continue in office during the pleasure of the board of trustees. Officers elected or appointed to fill vacancies shall respectively hold for the unexpired term only, and until the election or appointment and qualification of their successors. If there should be a failure by the people to elect any officers herein required to be elected, the board of trustees may forthwith order a new election.

§ 8. That every person appointed to any office by the board of trustees, or elected to any office by the people, may be removed from such office by a vote of a majority of all the members of the board of trustees; but no officer who is elected by the people shall be removed, except for cause, nor unless first furnished with the charges, and heard in his defense; and the board of trustees shall have power to compel the attendance of witnesses, and the production of papers when necessary for the purposes of such trial, and shall proceed within ten days to hear and determine upon the merits of the case; and if such officer shall neglect to appear and answer such charges, then the board of trustees may declare the office vacant.

§ 9. That whenever any vacancy shall happen by the death, removal, resignation, or otherwise, of any officer elected by the people, such vacancy shall be filled by appointment of the board of trustees.

§ 10. That when two or more candidates for any elective office shall have an equal number of votes for the same office, the election shall be determined by lot in such manner as the board of trustees may direct, and in the presence of the board of trustees, and at least three other persons.

§ 11. That the board of trustees shall, before every town election, appoint suitable persons as officers of election—two as judges, one as sheriff, and one as clerk; but no person who is a candidate for election to any office, which is to be voted for in said election, shall be an officer of said election. Officers of town elections shall be governed in all matters not inconsistent with this act, and be liable to the penalties imposed by the laws of the Commonwealth.

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§ 12. That all elections by the qualified voters of the town shall be held between the hours of six o'clock in the morning and six o'clock in the evening.

§ 13. That every free male citizen of the United States over twenty-one years of age, resident in said town twelve months, having paid his taxes the past current year, with all past taxes and fines imposed by and due said town, shall be qualified to vote for town officers elective by the people.

§ 14. That all laws in force in this Commonwealth shall apply to illegal voting in the town of Eminence for any officer, subject, however, to all the provisions of this act touching the qualifications of voters.

§ 15. That the board of trustees shall judge of the qualifications, elections, and returns of its members; and cases of contested elections for any town officer elective by the people shall be heard and determined by the board of trustees under such rules as may be prescribed by the by-laws or ordinance.

§ 16. That the out-going town clerk shall, immediately after the election, certify to the Secretary of State the name of the person elected for police judge of said town; and the Governor of this Commonwealth shall issue a commission to said officer.

§ 17. That the poll-books of all elections in said town shall be returned by the sheriff of election to the clerk of the town, who shall keep them on file as a part of the records of his office, examine and compare the same, and issue certificates to the officers elected, which certificates shall, before being delivered, be spread on the records of the board of trustees.

§ 18. That the officers to hold the first election under this act shall be appointed by the acting board of trustees of Eminence at the time of such election; and the election shall be conducted in the way and manner prescribed by this act for elections.

ARTICLE III.

Powers and Duties of Officers.

§ 1. That every person elected or appointed to an executive, judicial, or administrative office under this act, shall, before he enters on the duties of his office, take and subscribe, before a justice of the peace of Henry county, the oath of office prescribed by the Constitution of this Commonwealth, and file the same, duly certified by the officer before whom it was taken, with the clerk of the town.

§ 2. That the chairman of the board of trustees shall preside over the meetings of the board of trustees, and take care that the laws of the Commonwealth and the laws and ordinances of the town are duly enforced, re-

1871. for the taking up and sale of all hogs, horses, cattle, and all other animals found running at large within said town.

Police judge—
his powers and
duties.

§ 18. The police judge of said town shall be elected at the same time, and in the same manner, as the board of trustees, and before entering upon the duties of his office shall be commissioned by the Governor of the Commonwealth, and take the constitutional oath faithfully and impartially to discharge the duties of his office; he shall have jurisdiction within the limits of said town of all misdemeanors; of all actions for a violation of the town charter, ordinances, or by-laws; of all prosecutions for injury or damage to public buildings or property of the town; and in all criminal and penal cases he shall have the same jurisdiction as the law confers on two justices of the peace, and shall proceed in the same manner that justices of the peace are required to proceed in such matters. He shall have full power and authority to require bail, and receive the execution and acknowledgment of recognizances of bail and bail bonds in all cases originated or tried before him in which bail is or may be required; and such recognizances and bail bonds shall be in such form, and be returned in such manner, as is or may be prescribed by the several laws authorizing or requiring bail. He shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, breaches of the peace, unlawful assemblies, keeping disorderly houses, all cases of indecent or immoral behavior, or conduct calculated to disturb the public peace within said town; over all cases of drunkenness, profane swearing, running horses, firing guns or pistols, making reports, of burning powder or matches or crackers or other explosive substance or thing, blowing horns, crying aloud, by day or night, and all other riotous conduct whatever within said town, or within one half mile of its corporate limits—all of which are hereby declared to be misdemeanors; for carrying concealed weapons, and all other misdemeanors; and in prosecutions tried before him the jury may assess a fine against each defendant for any sum not exceeding fifty dollars, in cases wherein a different penalty is not fixed. The police judge may order the marshal to summon a jury in any case cognizable before him, when a jury would be required in the circuit court or before a justice of the peace; and in all cases when the amount of the fine is or may not be fixed by law or ordinance of said town, the same shall be ascertained by the verdict of a jury. He shall have power to issue summons for witnesses in cases pending before him, and to compel their attendance. He shall have power to fine and imprison for contempts, without the intervention of a jury: *Provided*, The fine does not exceed five dollars, nor

the imprisonment six hours. He shall keep a record of the proceedings in his court, a copy of which, duly certified, shall be evidence in all courts, and have the effect as copies of other records. The records and papers of his office shall be delivered by the police judge, on the expiration of his term, to his successor: *Provided*, That all trials before him shall be held in the town of Mt. Olivet: *And provided further*, That in all cases mentioned herein, which are made penal by general laws of the State, and which are cognizable in the circuit courts, the jurisdiction of the police judge shall not be exclusive of, but concurrent with, the Robertson circuit court.

§ 19. That the police judge shall issue his process in the name of the Commonwealth, as other warrants, and make them returnable before him as police judge of the town of Mt. Olivet, which process may be directed to the marshal of the town of Mt. Olivet, or to the sheriff or any constable of Robertson county, or to any other officers authorized by law to execute similar process; and shall be executed and returned by such officer under like pains and penalties as in other cases: *Provided, however*, That when any prosecution is instituted or carried on for a violation of the charter, ordinances, or rules or regulations of the town of Mt. Olivet, or at the instance of the board of trustees, the warrant shall state that the proceeding is prosecuted in the name of said board of trustees; and in all such cases the fine or penalty recovered, after deducting fees and costs, shall be paid into the town treasury; but in cases the defendant or defendants in such cases are acquitted, no fees or costs shall be recovered against the town; and in cases of judgment, the town shall be liable for costs only in the event of its collection in money. The police judge shall be entitled to a fee of one dollar for a peace warrant, or for a warrant for a riot, rout, unlawful assembly, breach of the peace or affray, or for any misdemeanor, or for any breach of any of the laws in relation to said town, or of any of the ordinances, by-laws, rules or regulations of said town; and in all other cases he shall be entitled to charge and collect the same fees as are allowed other officers by law for similar services; and may issue his fee bills and distraint for their collection the same as other officers; and shall be subject to the same penalties as are imposed on other officers for issuing and collecting illegal fee bills.

§ 20. The marshal of the town of Mt. Olivet shall be a peace officer, authorized to arrest and commit to jail any and all persons; and it shall be his duty to do so whenever he finds them violating any of the criminal or penal laws of the State or town; and it shall be the duty of the jailer of Robertson county to receive from the marshal all pris-

1871.

Process to issue in name of Commonwealth, and to whom directed, &c.

Town marshal — his powers & duties.

1871. their respective offices, execute a bond, payable to the board of trustees of Eminence, in such sum, with such conditions and such sureties, as the board of trustees may approve, conditioned that they will faithfully execute the duties of their offices, and pay over to such persons, and at such times as they may respectively be entitled to the same, all money or other property that may come to their hands as such officers respectively; which bonds, with the approval of the board of trustees certified thereon by the clerk, shall be filed and carefully kept in the office of the clerk of said town.

§ 12. That the board of trustees of Eminence, or any person injured by the breach of any or either of said bonds, may, in any court having jurisdiction, prosecute suit or motion against the said officer, by whose breach of duty they have been injured, and his sureties, or any or either of them, or the personal representative, heirs, or devisees of any or either of them, as now provided by law for sheriffs and constables; and the bonds of any or either of them shall not be satisfied or void by the first or any other recovery, until the board of trustees of Eminence, and every person aggrieved by the acts or omissions of such officer, shall have been recompensed.

§ 13. That if any person, having been an officer in said town, shall not, within twenty days after notification and request, deliver to his successor in office all the property, papers, and effects of every description in his possession belonging to said town, or appertaining to the office he held, he shall forfeit and pay, for the use of said town, one hundred dollars, besides all costs and damages caused by his neglect or refusal so to deliver.

ARTICLE IV.

Police Court.

§ 1. That there shall be established in said town a court, to be styled the Eminence Police Court, which shall be held by one judge, to be styled the Judge of Eminence Police Court, who shall be elected as hereinbefore provided.

§ 2. That the Eminence police court shall have concurrent original jurisdiction of all prosecutions for violations of the by-laws or ordinances of said town, and concurrent jurisdiction with magistrates of all pleas of the Commonwealth arising within the limits of said town; said court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court, to appear and answer the same, that the circuit courts have like power to take, and to forfeit and pronounce judgment thereon, and to enforce full compliance with the same; and shall have power of two justices of the

peace as examining court, and may take depositions, to be used in any court in this Commonwealth, as are taken before an examiner.

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§ 3. That the judge of said court shall be a conservator of the public peace, and may order arrest for all offenses against the laws of the Commonwealth or by-laws of the town; and for those committed within his presence, may order arrest without warrant; the person to be dealt with according to the laws of the Commonwealth, or by-laws or ordinances of the town.

§ 4. That the police court shall be holden at such place as the board of trustees shall designate; or they failing to designate and provide a suitable place, at such place as the judge may select in said town. The judge shall have power to fix the time of holding court for trial of criminal or penal cases, as in his discretion the business before him may seem to require.

§ 5. That the police court shall be a court of record, and the judge thereof shall act as clerk; and certified copies of the records of said court, over the signature of the judge, shall be evidence in any court in this Commonwealth.

§ 6. That all proceedings in, and process from, the police court, shall be in the name of the Commonwealth of Kentucky. The process shall be returnable to the police court, and may be directed to the town marshal; but the judge of said court may direct the process to any constable, sheriff, jailer, coroner, or policeman; and the person executing the process of said court shall be entitled to the like fees for like services, and to the like remedy for the collection thereof, as the constables of this Commonwealth; and shall be subject to the like fines and penalties for the like offenses and failures, recoverable in the same manner.

§ 7. That the fines and forfeitures recovered in the police court in favor of the town of Eminence, or of the board of trustees of Eminence, are hereby granted to the town of Eminence.

§ 8. That all fines and forfeitures recovered in the police court are to be collected by the town marshal, or other officer to whom execution *capias pro fine* is directed, and to be paid by him to the town treasurer; but before the issual of the execution or other final process, the defendant may pay the fine or forfeiture to the judge of the police court, who shall pay the same to the town treasurer.

§ 9. That the defendant shall have the right, at any time, to replevy, for three months, any judgment, fine, or forfeiture of the police court, or execution or other final process thereon; by giving bond, with good security, in the

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same manner as allowed by law in similar cases in favor of the Commonwealth.

§ 10. That a return of not found on a *capias pro fine*, and of no property found on a writ of *feri facias*, issued on any judgment in the police court, shall authorize an attachment out of equity in favor of the board of trustees of Eminence against the defendant or defendants, in the same manner that a return of no property authorizes an attachment in equity on judgments rendered in the circuit courts.

§ 11. That upon all judgments for fines rendered by the police court, whether in favor of the Commonwealth of Kentucky or of the town of Eminence, or of the board of trustees of Eminence, and which shall not be paid at the time of rendering the same, an execution against the estate of the defendant may be issued, or a *capias pro fine* may be issued, requiring the imprisonment of the defendant in the prison or station-house of Eminence or county jail until the same shall be paid; but the imprisonment shall not exceed one day for every two dollars of such fine.

§ 12. That in all cases in said police court where, by the laws of this Commonwealth, this act, or the by-laws or ordinances of said town, the punishment is, in whole or in part, imprisonment, the police court shall have the power to imprison the person convicted of a violation of the said laws, this act, or said by-laws or ordinances, in the Henry county jail, for any time not exceeding twenty days, specified by said laws, this act, or said by-laws or ordinances.

§ 13. That appeals shall lie from the decision and judgment of the police court to the Henry quarterly court, in all cases where the fine exceeds twenty dollars and is less than fifty dollars, exclusive of cost; and to the Henry circuit court where the fine is fifty dollars and upwards, exclusive of cost; and where the punishment is by imprisonment exceeding ten days, an appeal shall lie to either the said quarterly or circuit courts. In all cases of appeals in criminal or penal cases, the execution of the judgment shall not be suspended unless the defendant, within five days after the rendition of the judgment, causes to be executed, before the clerk or judge of the court to which the appeal is taken, a covenant, with good surety, in all respects as required by section 344 of the Criminal Code of Practice.

§ 14. That the police court shall always be open for hearing and determining such penal and criminal cases as are within its jurisdiction; and may make such reasonable rules and regulations for the speedy hearing and determining of all such cases as to afford reasonable notice to the parties and a prompt administration of justice.

§ 15. That all fines and forfeitures arising under this charter for breaches of the by-laws and ordinances of said town shall be sued for by warrant in the name of the board of trustees of Eminence, and shall be for the use of said town.

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§ 16. That the police court shall have original and concurrent jurisdiction with justices of the peace within the limits of the town of Eminence in all civil cases and proceedings; and the time of holding said court for the transaction of civil business shall be fixed by the Henry county court, as is done in the case of justices' courts.

§ 17. That the provisions of the Criminal Code of Practice regulate the proceedings of said court in criminal and penal cases, and the provisions of the Civil Code of Practice shall regulate the proceedings in civil cases.

§ 18. That the fees of said judge, whether acting as judge or clerk, or otherwise, shall be the same in all cases as are now or may hereafter be given by law to officers performing like services; and fees and costs shall be taxed in cases in court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdiction.

ARTICLE V.

General Powers and Duties of the Board of Trustees.

§ 1. That the board of trustees shall hold stated meetings, and the chairman may call meetings by notice to each of the members of the board of trustees, either oral or written; but if written, such notice must be served personally or left at their usual abode. A majority of the persons elected as trustees shall constitute a quorum.

§ 2. That the board of trustees shall have the management and control of the finances, and all the property, real, personal, and mixed, belonging to the corporation; and shall have power to contract and be contracted with, for and on behalf of said town; and shall have power to provide for the erection and repair of a prison or station-house, and all needful public buildings for the town, and to provide for inclosing and improving all public grounds belonging to the town, and shall likewise have power, within the jurisdiction of said town, by by-laws or ordinances—

First. To restrain and prohibit all descriptions of gambling and fraudulent devices, and all playing of dice, cards, and other games of chance whereat anything of value is bet, won, or lost.

Second. To regulate the selling of any ardent spirits or other intoxicating liquors by any shop-keeper, hotel, tavern, or inn-keeper, druggist, trader, or grocer, to be drunk in any shop, hotel, tavern, store or grocery, out-house,

1871. yard, garden, or other place within said town, or within one half mile beyond the corporate limits of the same, except by persons duly licensed.

Third. To prohibit the selling or giving away of ardent spirits or other intoxicating liquors to any minor or apprentice, without the consent of his or her parent, guardian, master, or mistress.

Fourth. To license and regulate shop-keepers, coffee-house keepers, hotel, tavern, and inn-keepers, druggists, traders, grocers, and keepers of ordinaries or victualing or other houses, or places for the selling of wines and other liquors, whether ardent, vinous, or fermented, and to restrain all such persons from selling without license.

Fifth. To license, tax, regulate, suppress, and prohibit billiard-tables, pigeon-hole, Jenny Lind, and all similar tables, pin-alleys, nine or ten-pin alleys, ball-alleys, and shooting galleries.

Sixth. To tax, license, regulate auctioneers, distillers, brewers, and pawnbrokers, and tax or lay duties on the sale of goods at auction.

Seventh. To license, tax, and regulate hawkers and peddlers, and all itinerant vendors of medicines, or other goods, wares, or merchandise, whether at auction or otherwise.

Eighth. To regulate, license, suppress, and prohibit all exhibitions of common showmen, shows of every kind by itinerant and other persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Ninth. To authorize the chairman of the board of trustees, or other proper officer of the town, to grant and issue licenses, and direct the manner and time of issuing and registering thereof, and the fees to be paid therefor. No license shall be granted for more than one year, and not less than five dollars shall be required to be paid for any license under this act; and the fee for issuing the same shall not exceed fifty cents.

Tenth. To prevent and suppress any riot, rout, breach of the peace, noise, disturbance, or disorderly assemblage.

Eleventh. To suppress and restrain disorderly houses and groceries, and houses of ill-fame.

Twelfth. To establish and regulate markets and other public buildings, and provide for the erection, and determine their location, and make crossings across streets and railroads passing through said town.

Thirteenth. To regulate, license, or prohibit butchers, and to revoke their license for malconduct in the course of trade.

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Fourteenth. To regulate the keeping and conveying gun-powder and other combustible and dangerous materials.

Fifteenth. To prevent horse-racing, immoderate riding or driving in the streets, and to authorize persons so riding or driving to be stopped by any person, and to compel persons to fasten their horses, mules, oxen, or other animals, attached to vehicles or otherwise, while standing or remaining in the street.

Sixteenth. To prevent the encumbering the streets, sidewalks, lanes, alleys, and public grounds, with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood, brick, stone, post, awnings, signs, or any substance or material whatever.

Seventeenth. To prevent any obscene, indecent, or profane exhibition or conduct.

Eighteenth. To restrain and punish vagrants and prostitutes.

Nineteenth. To restrain, regulate, or prohibit the running at large of horses and swine, and authorize the distraining, impounding, and sale of the same for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of such animals for a violation of any by-law or ordinance in relation thereto.

Twentieth. To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to the by-laws or ordinances.

Twenty-first. To prevent and regulate the playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing on the streets or sidewalks, or to frighten teams and horses.

Twenty-second. To make regulations to prevent the introduction of contagious diseases into the town.

Twenty-third. To have exclusive power over the streets and alleys, and sidewalks, and remove and abate any obstructions and encroachments therein or thereon.

Twenty-fourth. To abate and remove nuisances, and punish the authors thereof by penalties of fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize the summary abatement thereof.

Twenty-fifth. To appoint watchmen and policemen, and prescribe their duties, power, and pay.

Twenty-sixth. To provide the town with water in any manner they may deem proper, and to establish, make, and regulate public pumps, wells, and cisterns.

Twenty-seventh. To grant to any railroad company the right of way through the streets of said town; and to direct and control the location of railroad tracks and depot ground on said streets.

1871. *Twenty-eighth.* To inspect chimneys, flues, and stove-pipes in all buildings, and have them removed at the owner's expense when the public safety requires it.

Twenty-ninth. To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Thirtieth. To grant to any turnpike road company the right to construct and build a turnpike road or roads on the public roads or avenues within said town to the railroad, or railroad depot or railroad depots; but the town corporation shall not be required to keep in repair more than two hundred yards next to said railroad or railroad depots of any such turnpike roads, either built or to be built, within said corporation.

Thirty-first. That the board of trustees shall have power to make, publish, ordain, amend, and repeal all such ordinances, by-laws, and police regulations, not contrary to the Constitution of this Commonwealth, for the good government and order of the town, and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the board of trustees or any officer of said town by this act, and enforce observance of all rules, ordinances, by-laws, and police and other regulations made in pursuance of this act, by penalties not exceeding one hundred dollars for any offense against the same.

Thirty-second. The said board of trustees may provide for the use of said town a fire-engine, organize a fire company, and make necessary regulations for the prevention of damage by fire.

Thirty-third. That the board of trustees have exclusive power to grant all licenses for which provision is made by this act; that the amount to be paid for license to keep coffee-house or saloon, or to sell ardent spirits or other intoxicating liquors, by the drink or otherwise, in any coffee-house or saloon in said town, for one year, shall not exceed one hundred dollars; and the amount to be paid for any other license for which provision is made by this act, shall be fixed by the said board of trustees.

ARTICLE VI.

Taxation.

§ 1. That the board of trustees of Eminence shall have power to annually levy and collect taxes, not exceeding twenty-five cents on each one hundred dollars' worth of all the real and personal property in said town, and a head or poll-tax upon every male inhabitant in said town, over twenty-one years of age, of not exceeding two dollars; but not more than ten acres of farm lands within the corporation shall be taxed for town purposes, and at rates not exceeding the levy of the Commonwealth.

§ 2. There shall be exempt from taxation under this act, or for town purposes, all public property belonging to said town, the county of Henry, State of Kentucky, the United States, any church, college, public school, public seminary of learning, and all grounds attached to same, dedicated solely to the uses thereof.

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§ 3. That the owner of property, at the time of assessment in said town, shall pay taxes into the town treasury.

ARTICLE VII.

Working Streets.

§ 1. That the board of trustees shall have the power to require (and it is hereby made the duty of) every able-bodied male inhabitant of said town, over sixteen and under fifty years of age, except ministers of the gospel, to labor three days in each year upon the streets of said town, under the supervision and direction of a street commissioner, to be appointed by the said board of trustees, and furnish such tools as they may require; but every person may, at his option, instead of laboring, pay into the treasury of said town, at the rate of one dollar per day for each day he may be required to work: *Provided*, Such payment be made before the first day of labor is required. In default of payment or labor as aforesaid, the sum of four dollars, and cost of suit, before the police judge or justice of the peace, may be recovered against each person so in default, by the board of trustees; and any and all persons who may be so required to labor shall be exempt from working any road in the county outside of said corporation, as designated by this act.

ARTICLE VIII.

§ 1. That the board of trustees shall, at least ten days before the annual election in each year, cause to be posted in two public places in said town a full and correct statement of the receipts and expenditures from the date of last annual report, together with the sources from whence the former were derived, and their mode of disbursement, with such other information as may be necessary to a full understanding of the financial concerns of the town.

§ 2. Every ordinance, by-law, or regulation, imposing any penalty, fine, imprisonment, or forfeiture, for violation of its provisions, shall, after the passage thereof, be published one week, by posting up written or printed notices, or a synopsis thereof, at two public places in said town.

§ 3. That the members of the board of trustees shall receive no pay for their official services.

§ 4. That all officers of said town now in office shall serve out the time for which they were elected, and until

1871. the regular election fixed by this act, subject, however, to all the provisions hereof, and shall be governed thereby.

§ 5. That this act shall not invalidate any legal act done by the board of trustees of Eminence, or by its officers, nor divest their successors under this act of any rights of property or otherwise, or liability which may have accrued to, or been created by, said corporation, prior to the passage of this act.

§ 6. That all acts or part of acts inconsistent herewith are hereby repealed; and this act may, at any time, be altered, modified, or repealed by the General Assembly of Kentucky.

§ 7. This act shall take effect from and after its passage.

Approved March 18, 1871.

CHAPTER 1661.

AN ACT to incorporate the Town of Frenchburg, in Menifee County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the citizens of the town of Frenchburg, in Menifee county, be, and are hereby, made a body-politic and corporate, under the name and style of the town of Frenchburg, with full power to sue and be sued, to contract and be contracted with, and to do and perform all such acts and things, either in law or equity, as bodies corporate may rightfully do and perform.

§ 2. That the limits of said town shall extend one fourth of a mile in all directions from the centre of the public square.

§ 3. That on the first Monday in April next, and on the same day in each succeeding year, an election shall be held in said town for the choice of five trustees, a police judge, and town marshal; all persons, residents of said town, who are legal voters, shall be allowed to vote at said elections. The trustees, when elected, shall take an oath to truly and faithfully perform the duties enjoined upon them as trustees; they shall meet and choose from their number a president of the board, who shall hold his office till the next annual election; it shall be his duty to convene the trustees from time to time, to preside at their meetings, and sign all ordinances and by-laws enacted by them. They shall elect a clerk, who shall continue in office one year, whose duty it shall be to preserve all papers belonging to, or filed with, said board of trustees; he shall attend the meetings thereof, and record all their proceedings in a book procured for that purpose, and shall sign the same as such clerk, and shall copy and certify all records and ordinances when necessary; said trustees may

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appoint a treasurer, who shall have charge of the funds of said town, and pay over the same by order of the trustees; said board may require bond and security of said treasurer.

§ 4. Said trustees shall have power to assess a poll tax on the voters of said town, not to exceed two dollars, and levy an ad valorem tax on the real and personal property in said town, not to exceed thirty cents on each one hundred dollars' worth of property. They may annually appoint an assessor, whose duty it shall be to make out and furnish to the trustees, at such time as they may appoint, lists of the taxable property in said town. They may also appoint, annually, a collector to collect the taxes assessed, who shall give bond, with security, for the faithful performance of his duties. He shall have power to coerce the payment of all taxes assessed by the trustees in the same manner as sheriffs are now authorized by law to collect the revenue and county levy.

§ 5. The police judge shall be commissioned by the Governor, and have jurisdiction of all cases arising in said town for a violation of any of the ordinances thereof, and shall be entitled to the same fees as justices of the peace are for similar services. The marshal shall execute bond similar to a constable's bond, in such penalties as the trustees may prescribe. He shall have the same powers in said town as are conferred by law upon constables, and be entitled to the same fees, and be responsible in like manner.

§ 6. A majority of the trustees shall constitute a quorum, and in the absence of the president may choose one of their number as president *pro tem.*, whose acts shall have the same effect as the president's. The trustees may make such ordinances and by-laws as they deem proper, not inconsistent with the laws and Constitution of this State, for the good government of said town. They shall allow the clerk, treasurer, assessor, and collector adequate compensation for their services.

§ 7. This act to take effect from its passage.

Approved March 18, 1871.

CHAPTER 1662.

AN ACT to amend the Charter of Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The mayor and board of councilmen shall, at their regular stated meeting on the third Monday of December, 1871, elect three trustees, to be called the "Trustees of

1871. Fairview Cemetery," to hold their offices, respectively, for the term of one, two, and three years, the mayor and board of councilmen determining the length of the term of office of each trustee. On the third Monday in December, 1872, and on the same day in each succeeding December, the mayor and board of councilmen shall elect one trustee of Fairview Cemetery, to hold his office for the term of three years, or until his successor is elected and qualified.

§ 2. The trustees of Fairview Cemetery shall manage and control said cemetery, subject to the direction of the mayor and board of councilmen; and they shall report to the mayor and board of councilmen every three months of their acts and doings. The trustees, when elected and qualified, may appoint all subordinate officers necessary for the successful management of said cemetery, subject to the ratification of the mayor and board of councilmen.

§ 3. It shall be unlawful for any trustee to exercise any control or management of said cemetery previous to having executed a bond, to be approved by the mayor and board of councilmen, for the faithful discharge of the duties of his office; and the mayor and board of councilmen may require a similar bond of subordinate officers.

§ 4. When this amendment becomes a law, the mayor and board of councilmen shall elect three trustees of Fairview Cemetery, to hold their office until the third Monday in December, 1871; and said trustees, when so elected and qualified, shall appoint two commissioners, who, together with two commissioners appointed by the mayor and board of councilmen, shall settle all the accounts between the town of Bowling Green and Fairview Cemetery. It is further provided, that said town may have until the third Monday in November, 1871, to discharge and pay off her indebtedness, if any she may have, to said cemetery.

§ 5. It shall be lawful for the town to recover of any person or persons, convicted in the Bowling Green police court of the violation of any law or ordinance of said town, the full amount of the cost for the apprehension, detention, safe-keeping, and prosecution of said person or persons. In default of payment or replevy of the judgment which may be rendered against any person or persons for violation of the laws or ordinances of said town, the person or persons so convicted may be put to work upon the streets or public works of said town, or in the work-house of said town, until the full amount of the fine and costs are discharged at the rate now provided by law. In case of the refusal and failure of any able-bodied person or persons put to work upon the streets or public works to perform any work or labor, no deduction shall be

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made in the fine and costs whilst the failure and refusal to work continues. In case said town shall build, or cause to be provided, a station-house, for the safe-keeping of prisoners, the same fees may be taxed as part of the cost against the person detained in said house, for the violation of law, in case of conviction, as are now allowed by law in case of conviction, to be taxed as part of the cost for jailer's fees.

§ 6. It shall be lawful for the mayor and board of councilmen to elect and employ police officers by the day or by the month; and said police, when elected and qualified as such, shall have the same power to preserve the peace, to make arrests, and to bring persons to trial before the courts, as is now given by law to the deputies of the marshal of said town.

§ 7. The mayor and board of councilmen are hereby authorized to sell and dispose of so much of Potter street as will be left out in changing the location of said street to make it parallel with Clay street. The mayor and board of councilmen are also authorized to improve the public square purchased of Warren county, and to issue bonds for that purpose not exceeding ten thousand dollars in amount, bearing interest as may be agreed upon.

§ 8. It shall be the duty of the mayor and of the marshal, and all the officers of said town, into whose hands any of the money of said town may come, to deposit the same, immediately upon receiving it, in some bank or other place of safe-keeping, the board of councilmen first having selected the place, preference being given some bank, if any there should be, in said town.

§ 9. The mayor and board of councilmen are hereby authorized to levy and collect a poll-tax, not exceeding four dollars on each male inhabitant of said town over twenty-one years of age. A majority of the board of councilmen concurring, they are hereby authorized to assess, levy, and collect a tax this year, and each succeeding year, not exceeding ten cents, in addition to what is now allowed by law, on each one hundred dollars' worth of all estate, real, personal, and mixed, and choses in action held, owned, and possessed, used or employed, in said town; and when the same is collected, it shall be paid over to the sinking fund commissioners of said town, to be held and used alone by said commissioners in liquidating and discharging the bonded debt of said town. Said fund shall be kept safely invested so as to bring a good interest; and shall not be used except as heretofore provided. The finance committee, as elected and provided by the laws of said town, shall constitute the sinking fund commissioners;

1871. and they shall execute a bond to the town for the faithful performance of their duties.

§ 10. Whereas, the Bowling Green water-works, recently built and now owned by the town of Bowling Green, are not used for the purpose of profit, but to supply the town with water at moderate cost; said water-works are hereby exempted from the act, entitled "An act to tax railroads and other corporations in aid of the sinking fund," and passed February 20, 1864.

§ 11. This act to take effect from its passage.

Approved March 18, 1871.

CHAPTER 1663.

AN ACT to amend an act, entitled "An act for the benefit of the County Court of Union County," approved February, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the county court of Union county," approved February, 1871, be, and the same is hereby, amended, by adding thereto as additional sections the following: "That the said county court may cause any part of the funds raised under this act to be loaned out from time to time, by a commissioner to be appointed by the presiding judge of said court, who shall take bonds for the same, with approved personal surety, bearing interest from date, and having the force and effect of judgments."

§ 2. That the court may require said commissioner to execute bond, with approved surety, for the faithful performance of said duty; and may provide in the county levy proper for compensating him for his services.

§ 3. That this act shall take effect from its passage.

Approved March 18, 1871.

CHAPTER 1664.

AN ACT for the benefit of Clay County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Clay county (the presiding judge and a majority of the justices sitting) may have the power to lay a county levy, in addition to the levy now allowed by law, not exceeding one dollar and fifty cents on the poll, to repair the public buildings of said county; and the same shall be collected and paid over to the pre-

siding judge of the Clay county court as county levy is now collected. 1871.

§ 2. This act to take effect from its passage.

Approved March 18, 1871.

CHAPTER 1665.

AN ACT to authorize and empower the Bedford Division, Sons of Temperance, to sell and convey its real estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Bedford Division, Sons of Temperance, incorporated by an act of the General Assembly of the Commonwealth of Kentucky, approved July 21st, 1848, be, and it is hereby, authorized and empowered, through its board of trustees, to sell and convey any and all real estate owned by it, for such sum of money or other thing, and upon such terms and conditions, as the board of trustees may deem proper.

§ 2 This act shall take effect from and after its passage.

Approved March 18, 1871.

CHAPTER 1667.

AN ACT concerning the Poor-House Farm of Clark county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Clark county, a majority of the justices concurring therein, shall have power to sell the poor-house farm in said county, or any part thereof, to make the proper deed, through some commissioner appointed for that purpose, and receive the money for the same.

§ 2. If a part only of said farm should be sold, or a right of way thereto, the proceeds of said sale may be applied to the improvement of the remainder.

§ 3. This act shall take effect from its passage.

Approved March 18, 1871.

CHAPTER 1668.

AN ACT to empower the County Court of Lawrence county to levy an additional tax in said county, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Lawrence county is here-

1871. by empowered and authorized to transfer, by an order in said county court, to the county revenue proper, all and any money or sums of money heretofore collected and unexpended, as a court-house fund for said county; and the person or persons having such fund in his or their hands shall, upon the making of such order, pay over such money or funds to the county treasurer of the county of Lawrence, and take his receipt therefor, and file the same with the clerk of the Lawrence county court.

§ 2. That the county court of the county of Lawrence, a majority of the justices of the peace concurring, be, and the same is hereby, authorized and empowered to levy an additional ad valorem tax, not exceeding forty cents upon each one hundred dollars' worth of taxable property in said county, for the years 1871 and 1872; which tax is to be collected as other county levy. One fourth of the tax levied under this act shall be set apart as a bridge fund for said county, and to be expended only in the construction or repair of the public bridges built and to be built in said county. All laws inconsistent with this act, local to Lawrence county, are hereby repealed.

§ 3. This act to take effect from its passage.

Approved March 18, 1871.

CHAPTER 1669.

AN ACT to incorporate the Frankfort, Paris, and Big Sandy Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Philip Swigert, J. Stoddard Johnston, Daniel W. Lindsey, E. H. Taylor, jr., and W. A. Gaines, of the county of Franklin; James F. Robinson, Jas. E. Cantrill, Alexander Thomas, and Noah Spears, jr., of the county of Scott; Isaac Sandusky, B. F. Pullen, F. L. McChesney, B. F. Rogers, Esq., and John T. Croxton, of the county of Bourbon; William Northcutt, William Henry, Esq., William P. Derickson, and William S. Richart, of the county of Montgomery; George W. Conner, A. W. Bascom, A. J. Ewing, and Levi Goodpaster, of the county of Bath; H. G. Burns and John Hargis, of the county of Rowan; H. B. Littrell, James Kilgore, and Dr. Jones, of the county of Carter; J. W. Lewman, Laban Moore, W. C. Ireland, and Rys M. Thomas, of the county of Boyd, or such of them as shall act, are hereby appointed commissioners; and they and their associates and successors are created a body-politic and corporate, for the purpose of constructing a railroad from

Frankfort, by way of Georgetown, Paris, and Owingsville, to a point at or near the mouth of the Big Sandy river.

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§ 2. The style and name of the corporation hereby created shall be the Frankfort, Paris, and Big Sandy Railroad Company.

§ 3. The capital stock of said company shall be five millions of dollars, to be divided into shares of fifty dollars each; and individuals, railroad companies, and other corporations, either in or out of the State, are authorized to subscribe for and hold stock in said company.

§ 4. The commissioners aforesaid, or such of them as may act, shall have power to open books and receive subscriptions of stock in said company at any place or places, either in or out of this State, and at any time they may appoint, and upon such notice as they may deem proper; said stock to be paid in money, property, work, and materials, or in such other manner, and in such installments, as may be agreed upon between them and the subscribers.

§ 5. When *bona fide* subscriptions of stock to the amount or value of fifty thousand dollars shall have been made, the said commissioners shall give notice thereof, and assemble the stockholders at some convenient point; and said stockholders, from their body, shall elect eleven directors, one of whom, to be elected by the directors, shall be president of the company. They shall remain in office for one year, or until their successors shall be elected, and which election shall be annually made by the stockholders at some convenient place, of which reasonable notice shall be given. The stockholders may provide that the president and four directors may constitute a quorum of the board of directors. Each stockholder shall have one vote for each share of stock, and may cast the same in person or by proxy.

§ 6. After the organization of the company as directed by the foregoing section, the management and control of the affairs of the company shall be committed to said board of directors; they may continue to receive subscriptions of stock; they may acquire and hold such real and personal estate as may be necessary and convenient for the objects of the company; may sell and convey the same, and do all and everything else which may be necessary and proper for the building, equipping, and operating said road, to fix the rates to be paid for travel, and the conveyance of freight over said road, not exceeding the rates charged by other similar roads in this State.

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§ 7. Said company shall have power to purchase, acquire, and hold any line of railway, finished or unfinished, lying along its line, and between its termini, and all the chartered rights and privileges granted to the same, and all its property, right of way, &c., and may proceed to construct and operate their road, upon and along the line of any such finished or unfinished railway, or may construct an independent line of railroad between Frankfort and Big Sandy river.

§ 8. Said company, through its board of directors, shall have and may exercise all the powers, and shall have all the rights and privileges usual and incident, and necessary to the purposes of such corporations. It may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places, as a natural person; and may have and use a common seal, and change or alter the same at will.

§ 9. That whenever the said Frankfort, Paris, and Big Sandy Railroad Company shall request the county court of any county, through or adjacent to which it is proposed to construct said road, to subscribe, either absolutely or upon specified conditions, a specified amount to the capital stock of said company, the county court so requested may forthwith order an election to be held at the several voting places in said county, on a day to be fixed by the court, not later than 30 days after the making of such order, and shall appoint judges and other officers necessary to hold said election.

§ 10. That it shall be the duty of the sheriff of such county to give notice to the officers appointed to hold said election, in the same manner as is now provided by law in regard to other elections; and in case any of the officers appointed shall fail to attend or refuse to act, others may be appointed in the same manner as at general elections.

§ 11. That the person acting as sheriff at the several precincts shall return to the clerk of the county court, within three (3) days after the day of such election, the poll-books of their respective precincts, and, on the next day thereafter, the county judge and county clerk shall count the vote; and if it shall appear that the majority of those voting voted in favor of the subscription of stock as proposed, the county judge shall order the vote to be entered on the record, and the subscription to be made by the clerk on behalf of the county, on the terms specified in the order submitting the question to a vote.

§ 12. That whenever the said railroad company shall request the county court of any county to do so, such court may forthwith submit to the qualified voters of any designated precinct or precincts in said county the ques-

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tions whether the court shall subscribe to the capital stock of said Frankfort, Paris, and Big Sandy Railroad Company on behalf of said designated precinct or precincts, the amount of stock specified in the request of said company, either absolutely or on such conditions as may be proposed by said company; said election shall be held on a day to be fixed by the court (not less than thirty nor more than sixty days) after the order is made, and shall be conducted by the officers to be appointed by the court; and the poll-books shall be returned, and the vote shall be counted and entered on the record of the county court, in the same manner as prescribed in section eleven of this act; and if a majority of all those voting in such designated precinct, or a majority of the aggregate votes cast in such designated precinct or precincts, shall be in favor of making such subscription, the court shall order the clerk forthwith to make the subscription on behalf of the precinct or precincts to which the question was submitted, and in accordance with the terms upon which it was submitted: *Provided, however,* That in case a tax is levied, or bonds issued, or any sort of appropriation be made by a vote of the people or general council, or in any other way whatever, of or by the city of Louisville, towards the building or for the benefit of the road proposed herein, or any part thereof, that the said tax or appropriation shall be levied and collected equally on and from money, stocks, bonds, all evidences of debt, and all kinds of property, real, personal, and mixed.

§ 13. That whenever the city council of any city, or the board of trustees of any town, into or near to which it is proposed to construct said Frankfort, Paris, and Big Sandy Railroad, or the general council of the city of Louisville, shall be requested to do so, it shall be the duty of such city council or town trustees to submit to a vote of the qualified voters of such city or town, on a day to be designated by such council or trustees, not later than thirty (30) days after the application is made to them by said company, the question of subscribing for and on behalf of such city or town the amount of stock proposed by said company on the terms proposed; and if a majority of those voting shall vote in favor of making such subscription, it shall be the duty of such city council or board of trustees to enter the vote on its records, and the mayor of such city, or president of the board of trustees of such town, shall make the subscription in accordance with the vote.

§ 14. That if any election district or districts in any county shall subscribe to the stock of said company under the provisions of this act, it shall be the duty of the county court of such county to issue the bonds of

1871. such district or districts in payment thereof, in every respect as if such subscription had been made by the county, except that the bonds shall show on their face the district or districts for which they are issued; and such districts shall be alone bound to pay said bonds and their interest.

§ 15. That in case any county, precinct, city, or town shall subscribe to the capital stock of said Frankfort, Paris, and Big Sandy Railroad Company under the provisions of this act, and issue bonds for the payment of such subscription, it shall be the duty of the county court of such county, the city council of such city, and the trustees of such town, to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued, and the cost of collecting such tax, and paying the interest on all the real estate and personal property in said county, precinct, city, or town, subject to taxation under the revenue laws of the State, including the amounts owned by residents of such county, city, or town, which ought to be given in under the equalization laws.

§ 16. That on levying a tax as provided for in this act to pay the interest on bonds issued by the county court of any county, or of any city or town, it shall be the duty of the county court, city council, or town trustees making such levy, to appoint three (3) resident tax-payers of such county, city, or town, who shall be styled the board of commissioners of the sinking fund of such county, city, or town. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn in the presence of the court, council, or trustees appointing them, faithfully to discharge their duties according to the best of their skill and judgment; they shall hold their office at the pleasure of the court, council, or trustees by whom they are appointed; they shall immediately appoint one of their own number treasurer, who shall execute bond, payable to the Commonwealth, with such security as shall be approved by the court, council, or for trustees appointing the commissioners, conditioned for the faithful keeping and disbursing of all money coming to his hands as treasurer of such board; on which bond suit may be brought, from time to time, by and in the name of such county, city, or town, or by any other person injured by any breach of his bond, in any court having jurisdiction of the sum claimed in such suit. Such treasurer may be required, at any time, to give a new bond; and any surety in such bond shall be entitled to the same remedies for procuring additional or counter security as are now given to the sureties of guardians, administrators, &c. Said treasurer shall be allowed for his services such compensation, not exceed-

ing one (1) per cent. on the money received and paid out by him, as may be allowed by the court, council, or trustees appointing such commissioners, respectively; in case a vacancy shall be filled by the court, council, or trustees by whom such board was appointed.

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§ 17. The taxes levied under the authority of this act in any county shall be collected by the sheriff of such county; and taxes levied in any city or town shall be collected by the officer of such city or town, who is by law the collector of taxes levied for the ordinary purposes of such city or town; but before any sheriff or other officer shall be authorized to collect any such tax, he shall execute bond, if a sheriff, with such sureties as may be approved by the county court; and if a city or town officer, with such surety as may be approved by the council or trustees of such city or town, conditioned that such officer will promptly and faithfully collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act which may be placed in his hands for collection.

§ 18. That sheriffs and other officers having in their hands for collection taxes levied under this act shall have all the powers of distraining and selling personal property which sheriffs have in the collection of the State revenue; and when such officer shall be unable to find personal property liable to sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situated in the county, and sell the same under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on the real estate of the person taxed which shall lie in the county in which such tax is levied; but the owner of any real estate sold may redeem the same at any time within five (5) years after such sale by paying the purchase money, and ten (10) per cent. per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and ten (10) per cent. per annum thereon.

§ 19. That sheriffs or other officers selling real estate for taxes levied under this act shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, and state the amount for which it was sold, and the date of sale, which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall record the same in a book to be kept for the purpose, and for which such clerk shall be entitled to charge a fee of fifty (50) cents; and if such certificate is not recorded as herein provided, the land may be redeemed at any time within fifteen (15) years on paying the purchase money, and six (6) per

1871. cent. 'per annum thereon, and other taxes paid by the purchaser, and six (6) per cent. per annum thereon; that sheriffs and other officers collecting taxes levied under this act shall receive the same compensation as is allowed by law for the time being for collecting the State revenue

§ 20. That one half of the tax levied in any one year shall be collected by the sheriff or other officer in whose hands the same is placed for collection, and paid over to the treasurer of board of commissioners of the sinking fund within one hundred and twenty (120) days after the same is placed in his hands, and the residue within six (6) months after the first ought to have been paid; and if any sheriff or other officer, whose duty it is to collect taxes under this act, shall fail or refuse to execute bond as required by this act for thirty (30) days after the tax is levied, the court, city council, or board of trustees levying such tax, may appoint a collector, who shall execute bond, with sureties, and have all the powers, and be subject to all the duties and liabilities of sheriffs and other officers in collecting taxes under this act. That if any sheriff or collector, or other officer having in his hands for collection taxes levied under this act, shall fail to collect and pay over the same, within the time prescribed, such sheriff, collector, or other officer shall, with his sureties, be liable for the amount not paid as required, and ten (10) per cent. thereon, to be recovered, on motion, on ten (10) days' notice in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

§ 21. It shall be the duty of the commissioners of the sinking fund to see that the sheriff or other officer collects and pays over taxes placed in their hands, according to law, and to institute legal proceedings against them on their failure to do so. They shall appropriate such moneys, when collected, to the payment of the interest on the bonds of their county, city, or town.

§ 22. They shall, whenever a dividend is declared by said Frankfort, Paris, and Big Sandy Railroad Company, cause their treasurer to receive the same and pay the interest on their bonds out of it; and when a surplus shall remain after paying the interest due, they shall apply such surplus to the purchase of their bonds, if they can be purchased at par, or less than par; and if they cannot be purchased at par, they shall invest such surplus in some safe and profitable manner, and in such way that the money may be readily realized when needed to buy or pay off bonds.

§ 23. That all dividends which shall be received upon the stock held and owned by any county, city, or town, under this act, shall be, and are hereby, set apart to be held sacred as a sinking fund, to be only used as provided in this act for the payment of the principal and interest of the bonds issued under the authority of this act.

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§ 24. That in case the dividends upon the stock held and owned under this act by any county, city, or town, and for which bonds shall have been issued, shall not be sufficient to enable such county, city, or town to pay its bonds at maturity, it shall be the duty of the commissioners of the sinking fund to report such fact to the county court, city council, or town trustees at least five (5) years before the maturity of said bonds; and if any county court, city council, or the trustees of any town owing such bonds shall deem it proper to do so, they may issue new bonds, having not more than twenty (20) years to run, payable at such place as may be designated on the face of such bonds, bearing the same interest, and secured in all respects as the bonds first issued are secured, and sell such bonds, or exchange them for the old ones: *Provided, however,* That if any county court, city council, or town trustees shall deem it inexpedient to issue and sell such new bonds, or shall be unable to raise money necessary to pay off its bonds at maturity by a sale of new bonds, it shall be the duty of such county court, city council, or town trustees to cause a tax to be levied and collected on all the property in such county, city, or town, which, by the provisions of this act, is subject to taxation, to pay interest sufficient, when added to any sum raised by sale of new bonds, to discharge the old bonds at maturity: *Provided also,* That any tax levied under the provisions of this section shall be collected by the same officers, under the same powers, and subject to the same responsibilities in every respect, as provided in the act in relation to the collection of taxes levied to pay interest.

§ 25. That in case a direct tax shall be levied to pay all or any part of the bonds of any county, city, or town issued under this act, at or before maturity, it shall be the duty of the commissioners of the sinking fund to cause to be transferred to the tax-payers, or the assignees, stock held by said county, city, or town to the amount of the tax paid, upon the delivery to said commissioners of tax receipts by the holders thereof; such receipts shall be negotiable by indorsement; and no stock shall be transferred for a less amount than fifty dollars.

§ 26. That it shall be the duty of the treasurers of the several boards of commissioners of the sinking fund appointed under this act, upon the surrender to them at their

1871. respective offices of receipts given for taxes paid to defray the interest on the bonds of their respective counties, cities, and towns, prior to the time of declaring the first cash dividend by said railroad company to the amount of fifty dollars or more, to issue to the holders thereof certificates setting forth the number of shares of stock to which the holder is entitled, and to give a separate receipt for any fractional part of a share, which receipt shall be negotiable by indorsement, and may be added to other like receipts or tax receipts to make up a full share. The treasurer shall write or stamp the word canceled across the face of each tax receipt taken up by him, and file it away in his office; and he may charge and collect fifty cents per share for each certificate issued by him. He shall keep a list of the names of those to whom he issues certificates, with the number of the certificate and the number of shares for which each was given; and shall, on the last day of each month, make out and forward to the secretary of the company a copy of the list of certificates issued during that month.

§ 27. That it shall be the duty of the said Frankfort, Paris, and Big Sandy Railroad Company, after the first cash dividend shall be declared, on presentation at its office of the stock certificates issued under the provisions of the last preceding section, to issue stock therefor to those to whom such certificates were issued, or their representatives or assigns.

§ 28. That the commissioners of the sinking fund shall keep an exact record of all their actings and doings as such, and their treasurer shall keep a strict account of all moneys received or paid out by him, and shall settle his accounts annually, or oftener if required, which settlement shall state fully his accounts since his last settlement.

§ 29. That all the real estate lying in any county, city, or town, issuing bonds under this act, shall be taxed for the purpose of defraying the interest on such bonds, and for the payment of the principal, if that shall be paid by taxation; and when a part only of the land of any taxpayer shall lie in such county, city, or town, the assessor of tax shall designate in his books what part lies within such county, city, or town, and its value, and only such part shall be assessed for the purposes of this act.

§ 30. That the commissioners of the sinking fund, or one of them, shall cast the vote to which their respective counties, cities, and towns may be entitled in any meeting of the stockholders of said Frankfort, Paris, and Big Sandy Railroad Company: *Provided*, That if neither of them shall attend, then any person duly authorized by

any two of said commissioners may cast the vote as proxy for said commissioners. 1871.

§ 31. That the president and directors of said Frankfort, Paris, and Big Sandy Railroad Company may, if it shall seem advisable to them, increase the capital stock of said company to a sum equal to the total cost of the road and its equipments, depots, water stations, &c.

§ 32. That said company may acquire a right of way sixty-six (66) feet wide; but this shall not be construed a limitation on the right to acquire any width that may be shown to be necessary by the affidavit of an engineer, filed with the justice at the time of suing out the warrant for condemning such lands.

§ 33. That the said Frankfort, Paris, and Big Sandy Railroad Company shall be exempt from taxation until completed, and that it shall never be taxed at a valuation beyond the rate at which said roads are now taxed, nor exceeding its actual value.

§ 34. That the president and directors of said company may, with the assent of the holders of a majority in value of the stock of said company, purchase and hold any other railroad in this or in any other State; and may subscribe stock in, or guarantee the bonds of, or aid in the building of any other road in or out of this State, whenever, in their judgment, it may be to the interest of the Frankfort, Paris, and Big Sandy Railroad Company to do so; they may sell the said Frankfort, Paris, and Big Sandy Railroad, or lease the same, and may build branches from said road, and branches from such branches, either by the construction of a road or roads, or by the purchase of, or consolidation with, any road or roads already constructed or hereafter made; and the provisions of this act shall extend to such branches and extension, and to the counties, precincts, cities, and towns lying upon or adjacent thereto.

§ 35. That said Frankfort, Paris, and Big Sandy Railroad Company may receive donations of land, to be used for any of the purposes of said road, or to be sold to raise money to build the same; and may receive subscriptions, to be paid in lands at a valuation to be fixed by such means as may be agreed upon between said company or its authorized agents and the subscriber, and may lease or sell and convey any land so given or subscribed.

§ 36. That said Frankfort, Paris, and Big Sandy Railroad Company may, the holders of a majority in value of all the stock therein concurring, agree on terms for consolidating said company with any other railroad company, on such terms as may be agreed upon; but no such consolidation shall in anywise affect the holders of

1871. mortgage bonds issued by said Frankfort, Paris, and Big Sandy Railroad Company.

§ 37. That the Frankfort, Paris, and Big Sandy Railroad Company may issue and sell the bonds of said company of the denomination of one thousand dollars and five hundred dollars, to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding five millions of dollars, bearing not exceeding eight per cent. interest, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct, within thirty years from their date.

§ 38. To secure the prompt payment of the interest and principal of bonds issued by authority of this act, said company may execute a mortgage or deed of trust conveying said railroad and its property and franchises to a trustee or trustees, and from time to time fill vacancies that may occur for the use, and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and objects of its execution.

§ 39. That if the mortgage or deed of trust authorized by the last preceding section shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Upon such foreclosure the president shall make a correct list of all bonds secured by such mortgage or deed of trust which have been sold, and verify it by his affidavit; which affidavit and list shall be filed in the Franklin circuit court, where only such proceedings is authorized to be had. Such foreclosure shall not take place until ninety days after publication of notice of the commencement of proceedings to that end shall have been made in one or more newspapers published in the cities of New York, Louisville, and Frankfort. The person or corporation becoming the purchaser or lessee of said road, by reason of any sale or leasing to satisfy the demands of bondholders, shall be vested with all the rights, privileges, franchises, and immunities of the corporation.

§ 40. That to create and to secure a fund for the final redemption of mortgage bonds issued under authority of this act, a sinking fund shall be created by said company; and in order to create such sinking fund, said company shall, at the time of declaring the first cash dividend, ascertain what sum ought to be set aside annually in order to create a fund sufficient to redeem its bonds at maturity, and then set apart and pass into the sinking fund that sum; and thereafter, annually, there shall be set aside and pass into said fund a like sum, until a fund is

created sufficient to pay the outstanding bonds of the company; which fund shall be held sacred for the redemption of said bonds, and shall be used for no other purpose; that the company may loan and reloan the sums thus set apart at any rate of interest not greater than that paid on its bonds, or may invest the same in any safe and profitable manner deemed advisable, which is not inconsistent with the purposes and objects of creating said fund: *Provided*, That said company may use any or all of said funds in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

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§ 41. The bonds of the company, nor the bonds of the counties, cities, or towns, issued under authority of this act, whether sold and delivered in this State or elsewhere, shall not be avoided, in whole or in part, by reason of the rate of interest agreed to be paid, or of the place at which they may be sold or delivered, nor by reason of their having been sold at less than their par value.

§ 42. That upon application by said company to the county court of any county into or through which it is proposed to construct said Frankfort, Paris, and Big Sandy Railroad Company, such court shall appoint three (3) commissioners, two of whom shall be resident of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material or thing required for the site or construction of said road, or whenever the land or material required shall be owned by any person not a resident of said county, or who is a *feme covert*, infant, or *non compos mentis*, it shall be the duty of said commissioner to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and make out and return to the office of the clerk of the county court a report in writing, particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioner shall give the name of the owner, and state whether such owner is a resident of the county, and whether a *feme covert*, infant, or non-sane person. The clerk shall receive such report, and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons, commanding the owner or owners of such land to appear,

1871. and show cause why the report shall not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court, commencing not less than ten (10) days after service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner, or by an attorney appointed to defend for him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless, for good cause shown, time is given for preparation.

§ 43. If no exceptions are filed the report shall be confirmed. The jury and commissioners shall, in estimating the damages to any proprietor of land or material sought to be condemned for said road, be governed by the same rule, as prescribed in section 13 of an act incorporating the Elizabethtown and Paducah Railroad Company, approved March 5, 1867; and the mode of valuation provided for herein shall have the same effect, and confer upon the company all the rights and privileges which would be conferred if the proceedings had been had in accordance with the provisions of the original charter of the Elizabethtown and Paducah Railroad Company; and whenever a verdict shall be had, the court may give judgment condemning such land or other material for the use of said company, and against the company for the amount of damages assessed, and also to the owner for his costs, if the verdict shall be for more than was assessed by the commissioners.

§ 44. The mayor and council or general council of any city, and the board of directors of any railroad company, may, on behalf of their city or company, guarantee the payment of the principal and interest of the bonds of the said Frankfort, Paris, and Big Sandy Railroad Company; and any railroad, or other corporation, may subscribe to the capital stock of the said Frankfort, Paris, and Big Sandy Railroad Company.

§ 45. All acts and parts of acts inconsistent with the rights and privileges conferred by this act, are hereby repealed.

§ 46. This act shall be in force from and after its passage.

Approved March 18, 1871.

CHAPTER 1671.

1871.

AN ACT to require the Clerk of the Green County Court to index and cross-index certain Deed-Books in Green County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Green county court be, and he is, directed to index and cross-index such deed-books in his office as he may be directed to do by order of such court; and after the same is completed, such clerk shall present his claim to the county court of claims, and for his services shall be allowed a reasonable compensation, to be paid out of the levy of said county.

§ 2. This act shall take effect from its passage.

Approved March 18, 1871.

CHAPTER 1673.

AN AOT to exclude "Crab Orchard Springs" from the limits of Crab Orchard.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to exclude 'Crab Orchard Springs' from the limits of Crab Orchard," approved January 23d, 1854, be, and the same is hereby, re-enacted and declared in full force.

§ 2. That all acts or parts of acts now in force, and inconsistent with the provisions of this act, are hereby repealed.

§ 3. This act shall take effect from and after its passage.

Approved March 18, 1871.

CHAPTER 1674.

AN ACT to incorporate the Bank of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of deposit in the city of Maysville, with a capital of three hundred thousand dollars, in shares of one hundred dollars, to be subscribed and paid for as hereinafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-corporate and politic, by the name and style of the Bank of Maysville; and shall be capable of contracting and being contracted with, of suing

1871. and being sued, of impleading and being impleaded, and of answering and defending, in all courts and places whatever; it may have a common seal, and change and renew the same at pleasure.

§ 2. That said bank shall be under the control and direction of five directors, each of whom shall be a stockholder, and four of whom shall be residents of the State of Kentucky; after the first election they shall be elected annually on the second Monday in January in each year, and hold office until their successors are elected and qualified; they shall elect one of their number president, and shall hold regular meetings at such times as may be fixed by the by-laws, and other meetings may be held whenever deemed necessary; and in case of the death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may, at any time, choose to sell; to declare dividends of the profits arising out of the business; and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bonds to secure the faithful performance of their duties, as they may think proper and reasonable. The stock shall be deemed personal property, and shall be assignable only on the books of the bank, upon such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholders to said corporation.

§ 3. That Andrew M. January, Joshua Barnes, Robert A. Cochran, James Barbour, and James Foster Barbour, are hereby appointed commissioners, any two of whom may open books and receive subscriptions for the capital stock; and when five hundred shares of stock shall have been subscribed for, it shall be their duty to give notice in one or more newspapers published in said city of Maysville, and appoint a day for the election of a board of directors, who shall hold their offices until the ensuing annual election. The payment for the shares subscribed shall be as follows: there shall be paid ten per cent. on the amount of each subscription within ten days after the election of the first board of directors, and the residue in installments of ten per cent. on each share every thirty days: *Provided*, That after twenty-five thousand dollars shall have been paid, the board of directors shall have power to prolong the time of the residue; and should any of the subscribers fail to pay for their subscriptions of stock as herein provided, after giving notice of their intention in some newspaper in said city for thirty days,

the directors may, by resolution entered on their records, forfeit such stock, and resell the same at such times as they may deem expedient; and all partial payments made on any stock which shall be then forfeited, shall be held for the benefit of the corporation. Said corporation may commence business so soon as twenty-five thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge, justice, or notary. 1871.

§ 4. That said bank may receive deposits of gold, silver, bank notes, or other notes which may be lawfully circulated as money, and repay the same in such manner, at such times, and with such interest, not exceeding six per cent. per annum, as may be agreed upon with the depositors by special or general contracts; may deal in the loaning of money, and in exchange, promissory notes, and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon in all respects as natural persons may do under the common law; and the promissory notes made negotiable and payable at its banking-house, or at any bank, and inland bills which may be discounted by it, shall be, and they are hereby, put upon the same footing of foreign bills of exchange; and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

§ 5. That the said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as security for any debt, judgment, or decree, or purchased in satisfaction of, or to aid in the satisfaction of, any debt, judgment, or decree, and sell and convey the same; and they may make such by-laws as they deem necessary: *Provided*, The same be not contrary to the Constitution or laws of this State or of the United States.

§ 6. That it shall be the duty of the president, on the first day of July in each year, to pay into the State Treasury, for the benefit of the revenue proper, fifty cents on each one hundred dollars of stock held and paid for in said bank, which shall be in full of all tax or bonus thereon.

§ 7. That if the cashier or a clerk, teller, or other officer of said bank, shall appropriate any of the funds to his own use, or shall willfully fail to make correct entries, or knowingly make false entries on the books of the bank, with intent to cheat or defraud the corporation or any other person, or to conceal any improper appropriation of funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be confined in the jail.

1871. and penitentiary of this Commonwealth for a period of not less than two nor more than twenty years.

§ 8. That it shall not be lawful for said bank to issue any note or bill to be passed or used as currency.

§ 9. That the General Assembly shall have the right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 10. That this act shall take effect from its passage, and continue in force twenty years.

Approved March 18, 1871.

CHAPTER 1675.

AN ACT to incorporate the Warehouse Banking Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a bank of deposit in the city of Newport, in Campbell county, with a capital of one hundred thousand (\$100,000) dollars, with the privilege of increasing it to three hundred thousand dollars, in shares of fifty dollars each, to be subscribed for and paid for as hereinafter specified; and the subscribers, and their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Warehouse Banking Company; and shall be capable in law of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and defending, in all courts and places whatsoever. It may have a common seal, and change and renew the same at pleasure.

§ 2. Said bank shall be under the control and direction of five directors, each of whom shall be the owner of not less than five shares of stock. They shall be residents of this State, and after the first election shall be elected annually on the first Monday in January in each year, and hold their office until their successors are elected and qualified. In voting for directors, each share of stock shall entitle the holder to one vote, to be cast in person or by proxy. The five stockholders receiving a majority of all the votes cast, shall be declared elected directors. If on the first balloting there should not be five elected, the one receiving the lowest number of votes shall be dropped, and new ballotings had until five are elected. In holding said election, stock that may have been transferred within thirty days just past, shall not be represented, and a majority of the remaining stock votes cast will be sufficient to elect. Said directors shall elect one of their number president, and shall hold regular meetings at such times as may be fixed

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by the by-laws, and other meetings may be held whenever deemed necessary ; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may at any time choose to sell ; to declare dividends of the profits arising out of the business, and to appoint a cashier and such other officers, agents, and servants, as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bonds, to secure the faithful performance of their duties, as they may think proper and reasonable. The directors shall have power to pay the president such sum or sums for his services as they may think proper and right. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish ; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholder to said corporation.

§ 3. That Louis Constans, F. M. Webster, and J. C. DeMoss, are hereby appointed commissioners, who may open books and receive subscriptions for capital stock ; and when three hundred shares of stock shall have been subscribed for, it shall be their duty to give notice in a newspaper circulated in Newport, and appoint a day for the election of a board of directors, who shall hold their office until the coming annual election. The payment for the shares shall be made as follows : ten dollars on each share at the time of subscribing, and the residue subject to call of the board of directors, payable in calls as they may direct, after ten days' notice of such call published in some paper circulated in Newport ; and should any of the subscribers fail to pay their subscription of stock as herein provided, after giving notice of their intention in some paper in said city for thirty days, the directors may, by resolution entered on their records, forfeit such stock, and resell the same at such times as they may deem expedient ; and all partial payments made on any stock which shall be then forfeited shall be held for the benefit of the corporation ; said corporation may commence business so soon as ten thousand dollars shall have been paid in, and the president and directors first elected shall have made oath to the fact of such payment before some judge or justice.

§ 4. Said board may receive deposits of gold, silver, bank notes, or other notes which may be lawfully circulated as money, and repay the same in such manner, at such times, and with such interest, not exceeding six per cent. per annum, as may be agreed upon with the de-

1871. positors by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other evidences of debt; take personal and other securities for the payment thereof, and dispose of the latter as may be agreed upon, in all respects as natural persons may do under the common laws; and the promissory notes made negotiable and payable at the banking-house, or at any other bank or place of business, and inland bills which may be discounted by it, shall be, and they are hereby, put on the same footing as foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against drawers and indorsers.

§ 5. Said corporation may acquire and hold, possess, use, occupy, and enjoy, all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as surety for any debts, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; but no real estate, given in pledge for any debt or demand due said bank, shall be sold without recourse to ordinary judicial proceedings; and they may make such by-laws as they may deem necessary, provided the same be not contrary to the Constitution and laws of the United States or of this State.

§ 6. Said corporation shall have power to make advance on approved securities, and upon the agricultural and other productions of the country; it may receive bonds, stocks, or merchandise in pledge for security for money loaned or debts owing, United States vouchers, certificates or bonds of indebtedness, or bonds of the State of Kentucky, and sell the same on the non-payment of the debt or demand according to the terms agreed upon in a written contract between the parties at the time the debt or demand was created, and pass a good title to the purchaser: *Provided*, That when the contract does not name the number of the days' notice of sale, twenty days' notice of the time, place, and terms of sale, by publication in a newspaper circulated in the city of Newport.

§ 7. If any cashier, clerk, teller, or agent, servant, or other officer, shall appropriate any of the funds of said corporation to his own use, or shall willfully fail to make correct entries, or knowingly make false ones on the books of the company, with intent to cheat or defraud the same or any other person, or to conceal any improper appropriation of funds, the officer or person so offending shall be guilty of felony, and shall, upon conviction, then be sentenced to confinement in the jail and penitentiary of this Commonwealth for a period of not less than five nor more than ten years.

§ 8. It shall not be lawful for said bank to issue any note to be passed or used as money.

§ 9. The General Assembly shall have a right to examine the affairs of said corporation by any committee they may appoint for that purpose.

§ 10. It shall be the duty of the president, on the first day of January in each and every year, to pay into the treasury fifty cents on every hundred dollars of stock that may be held and paid for in said corporation, which shall be part of the revenue proper, and be in full of all tax or bonus to the State.

§ 11. Said corporation may construct, purchase, or lease such elevators and warehouses as may be convenient for storing the agricultural and other products of the country, merchandise, and other personal property; and may charge a reasonable compensation for storing such products, merchandise, and personal property; and may have all or any part of such products, merchandise, or property it shall have in storage insured in responsible insurance companies, and may charge for such insurance; and it shall have a lien or liens, subject to any prior lien or liens that may exist of record, upon every thing it may or shall receive in its elevators and warehouses, to secure the charges and advances made on the same.

§ 12. Said corporation may, upon the application of the owner or his agent, issue a warehouse receipt for any thing it may have on storage subject to the law regulating warehousemen and warehouse receipts.

§ 13. Said corporation, in making advances on the agricultural and other productions of the country, merchandise, and other securities, may charge and collect any rate of interest which may be agreed upon by the parties in written contract: *Provided*, The rate of interest agreed upon shall not exceed the maximum rate which may be charged and legally collected by any chartered bank or financial company in the State of Kentucky.

§ 14. This act shall take effect from its passage, and continue in force forty years.

Approved March 18, 1871.

CHAPTER 1676.

AN ACT for the benefit of the Surveyor of Harlan County.

WHEREAS, The surveyor's books of Harlan county are greatly mutilated, and several of the surveys of said county are recorded on loose sheets of paper; therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be, and is hereby made, the duty of the surveyor of Harlan county to procure a well-bound book, in which he shall transcribe and record, in a plain hand, all the original surveys of said county; for which services the court of claims of said county shall make to said surveyor a reasonable compensation for his services, to be paid out of the county levy of said county.

§ 2. This act shall take effect from its passage.

Approved March 18, 1871.

CHAPTER 1678.

AN ACT for the benefit of N. B. Campbell, of Josh Bell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor draw his warrant on the Treasurer in favor of N. B. Campbell, of Josh Bell county, for the sum of ten dollars, which the said Campbell over-paid to the State in licensing his jack in the year 1860.

§ 2. This act shall be in force from its passage.

Approved March 18, 1871.

CHAPTER 1679.

AN ACT to amend the Charter of the Deposit Bank of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the tax or bonus now paid by said bank, in future shall be in full of all taxation; but this shall not be construed to apply to city tax upon real estate owned by it.

§ 2. That this act take effect from its passage.

Approved March 18, 1871.

CHAPTER 1680.

AN ACT to repeal all laws restricting the sale of Hides or Pelts in Shelby County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That all laws restricting the purchase or sale of hides or pelts, in the county of Shelby, be, and the same are hereby, repealed.

§ 2. This act shall be in force from its passage.

Approved March 18, 1871.

CHAPTER 1683.

1871.

AN ACT for the benefit of Robert A. Marical, of Josh Bell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert A. Marical, late sheriff of Josh Bell county, have the further time until the second Monday in October, in 1871, to make out and return his delinquent list for the years 1867 and 1868: *Provided, however,* That this extension of time shall be held to apply to delinquent list of county levy and county taxes only.

§ 2. This act shall take effect from its passage.

Approved March 18, 1871.

CHAPTER 1684.

AN ACT to amend and reduce into one all the acts concerning the Town of Edmonton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all that portion of Metcalfe county extending from the court-house in Edmonton, in said county, to the east bank of the South Fork of Little Barren river, at the mouth of Hodges' Branch; thence down said South Fork to the mouth of Cave Spring Branch, and within one half of a mile from said court-house, shall be, and is hereby declared to be, the town of Edmonton; and as such, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, of answering and being answered, in all matters whatever, and in all courts and places.

§ 2. That the fiscal, prudential, and municipal concerns of said town, with the government thereof, shall be vested in one principal officer, to be styled the chairman of the board of trustees, and four trustees, who shall be elected on the first Saturday of May in each year, in the manner hereinafter provided, and shall hold their offices until their successors have been duly elected and qualified; all of whom shall have attained to the age of twenty-one years, and resided in said town sixty days next before their election.

Officers must
reside in town
sixty days.

§ 3. That on the first Saturday in May next there shall be an election held, by two judges (appointed by the board of trustees of the town of Edmonton, and a clerk), for a chairman and four trustees, and for a police judge and marshal, all of whom shall have resided in said town sixty days next preceding their election. All male persons over the age of twenty-one years, who shall *bona fide* have resided in said town for sixty days next preced-

Time for hold-
ing election for
trustees.

1871. ing said election, shall be entitled to vote at said election, naming the person for whom they vote for chairman, trustees, police judge, and marshal. The police judge shall hold his office until August, 1871, when another election shall be held for police judge. The marshal shall be elected at the same time, and hold his office until August, 1871, and shall be elected every two years thereafter, at the regular August election.

Police judge
and marshal
elected.

§ 4. The judges and clerk of said election shall, on the following Monday after said election, meet at the office of the clerk of the Metcalfe county court, compare the vote for chairman, trustees, police judge, and marshal, and give to the person receiving the highest number of votes a certificate of their election.

Compare the
vote, &c.

§ 5. The chairman, trustees, police judge, and all officers appointed by the board, before entering upon the duties of their respective offices, shall take an oath, before some authorized officer to administer an oath, to support the Constitution of the United States and the Constitution of this State, and to discharge the duties of their respective offices to the best of their abilities, so long as they continue in office.

To take oath.

§ 6. The chairman, trustees, police judge, marshal, and all officers appointed by the board, shall reside and keep their offices in the limits of said town during their continuance in office; said board of trustees may fill all vacancies occurring by death, resignation, or otherwise, in the board, or in any of the offices in said town; they may, in the absence of the chairman at their meetings, fill his place by temporary appointment of one of their number.

Vacancies—
how filled.

§ 7. The chairman shall preside at the meetings of the board, and give the casting vote when there shall be a tie; he shall call the board to order, and convene the same when he may think proper, and shall sign his name to all orders and proceedings of the board entered upon their book kept for that purpose.

Duties of
chairman.

§ 8. The regular meeting of said board shall be held on the third Thursday in each month throughout the year; four of the trustees shall be capable of doing business in session; the board shall have power to inflict a penalty, not exceeding five dollars, on any member for non-attendance at any one meeting.

§ 9. The board of trustees shall appoint a clerk, whose duty it shall be to preserve the books, papers, records, and every thing else belonging to the office, and deliver the same to his successor in office on application being made therefor; he shall keep a regular journal of the proceedings of the board, and a correct account of the fiscal concerns thereof; he shall record all acts, resolutions, and

Duty of clerk.

orders of the board; he shall take and attest all bonds and agreements between the board and other persons; he shall furnish attested copies of all acts, resolutions, and orders passed by the board, when required to do so by persons entitled to demand the same; he shall draw his order on the treasurer for all sums due persons, and claims allowed by the board, and return the assessor's list to the board, and the assessment of the taxes therein; he shall hand over said list, together with the order fixing the rate of assessment, to the collector, taking his receipt therefor; he shall be required to give bond, with sufficient security, in an adequate penalty, to be fixed by the board, conditioned for the faithful discharge of his duties as clerk aforesaid.

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§ 10. The board of trustees shall have full power and authority, a majority therein concurring, to cause all the streets and alleys, or any of them, or any part or portion of them, in said town now established, or hereafter to be established, to be graded, paved, turnpiked, graveled, or otherwise improved.

Powers of trustees on streets, &c.

§ 11. The board of trustees shall have full power and authority to cause the sidewalks, or any part or portion of them in said town, to be curbed, graded, and paved with stone or brick, and when so done, to be kept in good repair, and to assess the cost and expenses of such grading and curbing, paving and repairing, adjacent to any lot or part of a lot, against the owner of the lot or part of lot fronting thereon; and to secure the payment of said cost and expenses a lien is hereby given on said lot and parts of lots; said cost and expenses may be listed as taxes with the collector of said town, and by him collected as other taxes, who shall have power to sell and convey said lots and parts of lots, or so much thereof as will be necessary, in the same manner that other real estate may be sold in said town for taxes: *Provided*, That infants, *femes covert*, and persons of unsound mind, shall have three years after their several disabilities are removed to redeem the same.

Powers on sidewalks, &c.

§ 12. The board of trustees shall have the exclusive right to regulate the sale of spirituous liquors within said town; they shall also have the right to tax, and the exclusive right to license, all taverns and coffee-houses in said town; all tavern-keepers and vendors of spirituous liquors shall still be liable to pay any revenue tax now required by the laws of the State to be paid, and no license shall be granted to any one to vend spirituous liquors in said town, until after the payment of the tax therefor imposed by the board.

§ 13. That said board shall have authority to impose a tax of not less than one hundred, nor more than three

1871. hundred dollars per year, upon all persons by them licensed to vend spirituous liquors; and upon the payment of said tax, the board shall grant said license, provided the applicant be a man of good character.

§ 14. They shall have authority, a majority of the trustees concurring, to suspend, either indefinite or for a limited time, any license they may grant, or which may have been granted, tavern-keepers or coffee-house keepers in said town, whenever they shall be satisfied that said tavern-keepers or coffee-house keepers have permitted any unlawful gaming, disorderly, or any indecent conduct, to be practiced or committed in his house, or has permitted any person to tipple therein: *Provided, however,* That no license shall be suspended until said tavern or coffee-house keeper shall have at least five days' previous notice, in writing, signed by the chairman, or one of the board of trustees, setting forth the grounds of such notice or complaint, and require him to appear before said board, at a time and place fixed in said notice, and show cause, if any he can, why his license should not be suspended; if any whose license shall have been thus suspended shall afterwards sell by retail any spirituous liquors or wine, he shall be deemed guilty of keeping a tippling-house.

§ 15. They shall have power and authority to suppress by ordinance, with suitable penalties, all tippling-houses, bawdy-houses, and houses of ill-fame; all retailing spirituous liquors or wine; all riots, routs, breaches of the peace, assaults, batteries, fornication, adulteries, disorderly or indecent conduct, vagrancy, disturbances of religious worship, disturbances of the peace and tranquility of said town, and all unlawful gaming done or committed in said town; they shall have full power and authority by ordinances, with suitable penalties, to prohibit hogs and other animals from running at large in the streets or alleys of said town; and to require and compel the abatement and removal of all nuisances within the limits of said town; they shall have full power and authority to pass any and all ordinances that they may deem right and proper, not inconsistent with the Constitution and laws of this State, or the Constitution of the United States, for the government, health, and prosperity of said town, and enforce them by suitable penalties.

§ 16. The board of trustees shall have full power and authority, a majority therein concurring, to assess, levy, and collect taxes on the value of all estates, real and personal, and choses in action, held, owned, possessed, or employed in said town, or on such classes of the same as they may designate; but such taxation shall be uniform on each description of property assessed, and shall not exceed twenty-five cents on each one hundred dollars of valuation in

any one year; but no tax shall be levied or collected on the choses in actions or money of any person except upon the excess of the sum over and above the just debts of such person on the day of such assessment.

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§ 17. The board shall also have power, by ordinance, to tax any store; grocery, lawyers and doctors and brokers, &c., that may be opened or commenced at any time subsequent to the time fixed upon for the annual assessment, and all itinerant merchants. They shall also have the right to tax auctioneers in said town not exceeding two per cent. upon all sales of goods, wares, and merchandise, not the product or manufacture of Kentucky, and require them to take out license with such restrictions as may be necessary to enforce said tax.

§ 18. The board shall have the right to tax, license, and regulate all carts, wagons, drays, hacks, and porters, which may be plying in said town for hire. They shall also have the power, whenever, in their opinion, the interest of the town may require it, to levy and collect a tax on all dogs in said town, not exceeding five dollars on the head. They shall also have the right to tax, not exceeding one hundred dollars for each exhibition or performance, or concert given, made, or exhibited for money within said town, or within one mile thereof, and may prohibit them until a license be obtained.

§ 19. Said board of trustees may levy a poll-tax, not exceeding two dollars, on each male inhabitant of said town over twenty-one years of age, and on all persons owning real property therein not residing in said town.

§ 20. The board shall annually appoint a town assessor, who shall take in a list of all the taxable inhabitants and owners of property in said town, separately, and affix against each the real estate owned by him in said town, with the value thereof, on the tenth day of January in that year in which the list was taken; and also the true and just valuation of such other estate of each of said inhabitants or owners, whether in goods, stock, or other property, owned, used, held, possessed, or employed by him or them in said town, on said tenth day of January, as may be designated by said board for taxation; which said list shall be made on oath of the party; or if the party refuse to give in a list and swear to the same, the list shall be made from the best information the assessor possesses. Two fair copies of said list, arranged in alphabetical order, shall be completed and returned to said board at their regular meeting in March; and any of said inhabitants or owners of property, upon application for that purpose, shall have the right to examine the same; and if any one should feel aggrieved thereby in excess of valuation or otherwise, application may be

1871. made, in ten days, to the board; and on proof being made to their satisfaction, the list may be corrected.

§ 21. When the said taxes are made out and fixed as herein required, a list shall be placed in the hands of a collector, to be appointed by the board, with their warrant or authority to collect the same. The power of the collector of said town taxes shall be the same as to distraining, advertising, and selling property, as is now granted by law to the sheriffs in the collection of the State revenue and county levy; and for failing to pay taxes on real estate, the same remedies, by damages and interest by sale of the real estate, shall exist, and the same lien also exist on the property taxed as in the collection of the State revenue. Bond, with good security, shall be taken in an adequate sum of said collector, payable to the town of Edmonton; and he shall be removable at the pleasure of the board. The collector and his sureties shall be liable to judgment, by motion or suit, in the Metcalfe circuit court, for failing to collect and pay over any sums put into his hands for collection, with ten per centum interest, and cost; and five days' notice of such motion will be sufficient, and there shall be no replevin or valuation of property on execution issued on such judgment; said collector shall settle his accounts, from time to time, as the board may require.

§ 22. The board shall have power and authority to appoint a treasurer, to whom all moneys belonging to said town shall be paid. It shall be the duty of said treasurer to receive from the collector, and from all other sources, any and all moneys belonging to said town, and to give his receipt for the same, and to pay out the same upon the order of the board. No claim or claims shall be paid by him until the same has been audited by the board and allowed. In all cases the payment shall be upon an order drawn by the clerk upon the treasurer for the amount appearing to be due the claimant; for which order the claimant shall execute a receipt to the clerk, and upon presentation, it shall be the duty of the treasurer to pay said order out of any funds in his hands belonging to said town not otherwise appropriated; said treasurer shall execute bond, with good security, to said town, for the faithful discharge of his duties; and like remedies are hereby given him and his sureties as in the case of the collector of taxes. It shall be the duty of said treasurer to make out and lay before the board a full and complete statement of all the money received and paid out by him, whenever said board may require him to do so.

§ 23. That the police judge of the town of Edmonton
 age— shall have the exclusive jurisdiction within the limits of
 and said town of all misdemeanors and infractions of the ordi-

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nances of said town, and of all causes, civil, criminal, and penal, in which the county judge of Metcalfe county has jurisdiction; and shall proceed in the same manner that the county judge of Metcalfe is required to proceed in similar cases. He shall be a conservator of the peace, and shall have the same jurisdiction, power, and authority in all cases, civil, criminal, and penal, within the limits of said town, that the county judge of Metcalfe county has. He shall have jurisdiction of all offenses or causes arising out of the by-laws or ordinances of said town, passed by the board of trustees of said town for the enforcement of the powers granted them by law. He shall have power to issue summons for witnesses in all cases pending before him, and to award compulsory process for their attendance. He shall have power to impose fines in all cases of misdemeanor to the amount of sixteen dollars, without the intervention of a jury; and shall have the right to imprison the person so fined in the county jail of Metcalfe county until the same is paid by imprisonment at the rate of two dollars per day. He shall have the same power to punish for contempt as by law justices of the peace now have. He shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as records of justices of the peace. That upon all judgments rendered by the police judge, either party shall have the right to appeal from said judgment in the same manner that appeals are taken from judgments of justices of the peace in similar cases.

§ 24. That the police judge shall issue his warrants in the name of the Commonwealth, as other warrants; and the same shall be directed to the marshal, constable, sheriff, or jailer of Metcalfe county; and shall be executed or returned under the same penalties as processes from justices of the peace. The police judge shall be entitled to one dollar for a peace warrant, or for a warrant for a riot, rout, breach of the peace, or unlawful assembly or affray, or any misdemeanor, or for a breach of any of the laws of the town of Edmonton, or any of the ordinances or by-laws of the board of trustees. He shall be entitled to a fee of twenty-five cents for all other warrants; twenty-five cents for recording judgment; twenty-five cents for rendering judgment; twenty-five cents for issuing execution; and twenty-five cents for continuance; and all other cases he shall be entitled to the same fees as justices of the peace for similar services.

§ 25. The marshal shall attend all regular meetings of the board of trustees, and all the sessions of the Edmonton police court, and preserve order under his or their directions; he shall execute all process emanating from the Ed-

1871. monton police court; he may be appointed town collector of taxes, and shall be entitled to receive the same fees and commissions therefor that sheriffs are allowed for similar service. He shall execute bond before the chairman and the board of trustees to the Commonwealth of Kentucky, condition faithfully to discharge all the duties of his office, and to pay over to the persons entitled thereto all sums of money that may come into his hands. He and his securities shall be liable by suit or motion to judgment in the courts having jurisdiction, in favor of any person or corporation entitled to money collected by said marshal, in like manner as constables are by law now liable, and shall be liable to suit and motion, in any court having jurisdiction of the amount, in all cases of delinquency or breach of official duty, in like manner as sheriffs are for similar delinquencies and breaches of official duty. He shall have full power within the county of Metcalfe to serve all process and precepts to him directed from the police judge, any justice of the peace, or county judge, or circuit clerk of Metcalfe county, and make due return thereof, and shall levy and perfect executions upon all orders and judgments of the police judge, justices of the peace, or judge of the quarterly court. He may serve notices in all cases, and make due return thereof, and for his services he shall receive the same fees and commissions as sheriffs or constables are by law entitled to receive for similar services, where it is not otherwise provided for by this act. He shall be entitled to a fee of one dollar for serving a peace warrant, or a warrant for a riot, rout, breach of the peace, affray, or unlawful assembly, and for all warrants where a fine is to be assessed by a jury, before the police judge, justice of the peace, or judge of the quarterly or circuit court, and to the same fees from the State, to be paid out of the treasury and county levy, for serving felony warrants, as a constable is for like services; and in the exercise of the power therein conferred, he shall be governed in cases by the laws governing constables, and be liable in the same manner and to the same extent as sheriffs and constables are in like cases for non-performance of any of the duties enjoined in this act.

§ 26. The police judge of the town of Edmonton shall have full power and authority to approve all bonds given by hotel-keepers, coffee-house keepers, and vendors of ardent spirits to the Commonwealth, that may be licensed by said board of trustees; and when so approved, shall have the same effect in law as if taken before and approved by the judge of Metcalfe county; but said bond shall be taken by the county clerk (for Metcalfe county) as is now by law required.

§ 27. Should a vacancy occur in the office of police judge or town marshal, the same may be filled until the next regular election by appointment of the board of trustees.

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§ 28. If, from any cause, the election provided for in this act for chairman and trustees is not held at the time herein provided for, the county court of Metcalfe county shall, by an order entered upon said county court's record, appoint a chairman and four trustees to act until the next regular election, who shall take the same oath of office, and have the same powers and authority, as if they had been elected as required by this act.

§ 29. The trustees now in office shall remain in office, and may exercise all the powers granted to the trustees of said town by this act, and shall be subject to all the liabilities, and discharge all the duties imposed by this act, in the same manner as if they had been elected under it, until their successors are elected and qualified.

§ 30. The board of trustees shall publish annually, at the expiration of the term of each board, an account of all the money received by them, and all the payments made out of the treasury during the year, and the amount of the debts of the town, which statement shall be verified by the chairman of the board.

§ 31. That in the absence of the police judge of said town, the chairman of the board of trustees shall have all the power and authority conferred by this act upon the police judge.

§ 32. The board of trustees may employ an attorney to prosecute persons brought before the police court for offenses committed within the said town, and may agree with him as to his compensation.

§ 33. The time for holding the police court for the trial of civil causes shall be regulated in the same manner that courts of justices of the peace are now regulated by law; said court shall be regarded as open and in session at any and all times, except Sundays, for the trial of criminal and penal causes, or any cause arising out of a violation of the by-laws or ordinances passed by the board of trustees.

§ 34. The board of trustees shall have full power to appoint a street commissioner, and direct him to notify the hands residing in said town, who are subject by law to work on roads, to attend at any time they may deem proper, with suitable tools, to work the streets and alleys and roads within the limits of said town; and any person failing to attend, when notified by said street commissioner, or who shall fail to work on said streets, alleys, and roads, shall be subject to a fine of one dollar and fifty cents for every day they so fail to attend and work;

1871. said fine to be recovered by warrant in the police court, and collected as other fines assessed by the police judge.

§ 35. That all laws heretofore passed that are inconsistent with this act be, and the same are hereby, repealed.

§ 36. That all fines arising under this charter, or for a violation of any of the ordinances or by-laws of said town, shall vest in the town of Edmonton.

§ 37. The Legislature reserves the right to alter, amend, or repeal this act at pleasure, after five years.

§ 38. This act to take effect from and after its passage.

Approved March 18, 1871.

CHAPTER 1685.

AN ACT to incorporate the Town of Spottsville, in Henderson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the citizens of the town of Spottsville, in the county of Henderson, be, and they are hereby, created a body-politic and corporate, under the name and style of the town of Spottsville, with full power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered, and to do and perform all such acts and things, either in law or equity, as bodies politic and corporate having perpetual succession may rightfully do and perform. This town shall be laid off into necessary streets and alleys and lots of convenient size, and a plat of said town, when so laid off, shall be recorded in the office of the clerk of the Anderson county court.

§ 2. The limits of said town shall be as follows, viz: Beginning at a stake on the bank of Green river, just below the coal-bank owned by the late William Rankin (and one of the best men in the world, his friends and neighbors think he was); thence south 70½ west, so as to include the said mine, 20 poles to a stake near the said Rankin's plank fence, and inside the same; thence parallel with the said fence as it now runs, and including all the houses built for coal-mining purposes, until it strikes the corner of — Shivers' lot, on which his coal-mine is situated; thence with the line of that lot until it strikes the line of the original lots of the said town of Spottsville; thence with the original line of the said town until it strikes the Henderson and Spottsville road; thence with the said road to a point opposite the corner of Dr. G. W. Watkins and R. S. Eastin; thence with their line south 29 west, such a distance as will include the residence of said Watkins; thence parallel with the

back line of the town until it strikes what is known as the Brown branch; thence down the Brown branch as it meanders to Green river; thence down Green river as it meanders, including the Eastin old mill, to the beginning.

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§ 3. That Thomas P. McCarty, B. L. Harmon, W. H. Edwards, Charles Hope, and Robert S. Eastin, be, and they are hereby, appointed trustees of said town, who shall appoint one of their number president of the board, and they shall continue in office until their successors are duly elected.

§ 4. That sections four, five, six, seven, eight, nine, ten, eleven, and twelve of an act, entitled "An act to incorporate the town of Corydon, in the county of Henderson," approved February 15th, 1868, chapter 440, page 542, of the acts of 1867-8, be, and they are hereby, made parts of this act as though incorporated seriatim herein.

§ 5. This act shall take effect from and after its passage.

Approved March 18, 1871.

CHAPTER 1686.

AN ACT to amend the Charter of the Town of Mayfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the chairman and board of trustees of said town of Mayfield shall, after the passage of this act, have the right to demand of all merchants, or other persons, authorized by the county court to sell liquor, a tax of not less than fifty, nor more than one hundred dollars, for the privilege to sell liquor, within the limits of said town, for the period of one year.

§ 2. That the license of the county court to any merchant, or any other person, shall not protect them in the sale of liquor, within the limits of said town, without having first obtained a license from said board of trustees; and the amount so charged shall go into the improvement fund of said town.

§ 3. That any person or persons who shall violate the provisions of this act shall be liable to a fine of not less than ten nor more than fifty dollars, to be recovered by the trustees of said town before the police judge of said town: *Provided*, This act shall not take effect unless a majority of the voters of said town shall vote therefor, at an election held upon the call of the trustees of said town.

Approved March 18, 1871.

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CHAPTER 1687.

AN ACT concerning the First Presbyterian Church of Shelbyville, to legalize a division of the property of said Church, and to incorporate the divided parties in said Church.

WHEREAS, There has arisen in the First Presbyterian Church of Shelbyville, Kentucky, a division among its members; and whereas, one of the parties in said division has Rev. John S. Grasty as pastor; W. C. Bullock, John P. Allen, and R. F. Randolph, as trustees; Mark Hardin, Henry C. Offutt, W. Scott Harbison, W. C. Bullock, J. W. Bell, E. A. Offutt, and J. W. Robb, as ruling elders; and J. Dudley Smith, W. H. Hall, J. D. Allen, S. B. Moxley, A. W. Offutt, and Alexander H. Logan, as deacons; and which party or division adheres to "the General Assembly of the Presbyterian Church in the United States;" and whereas, the other of the said parties in said division had, until recently, Rev. W. C. Matthews as pastor; Wm. C. Harbison, James Lowry, and Jas. W. Lyle, as trustees; J. H. Wilson, George W. Harbison, and James Lowry, as ruling elders; and Samuel Harbison, Henry M. Lyle, and James H. Harbison, as deacons; and which last named party or division adheres to "the General Assembly of the Presbyterian Church in the United States of America;" and whereas, the said division has resulted in litigation in the State and Federal courts touching the property owned by the said church before and at the time of said division; and whereas, the said parties have agreed to compromise, and have compromised their differences touching said property, and have agreed to a division of the same; which compromise is embraced in a writing, of which the following is a copy, to-wit:

"Memorandum of Agreement of Compromise.

"The undersigned, John W. Bell, R. F. Randolph, and Ezra A. Offutt, on the part of that portion of the members and congregation of the First Presbyterian Church, of Shelbyville, of which Rev. John S. Grasty is pastor, and Samuel Harbison, Joseph W. Lyle, and Henri F. Middleton, on the part of that portion of the members and congregation of said church of which Rev. W. C. Matthews, D. D., is pastor, settle and fix upon the following terms of compromise of the difficulties in said church, and the division of the property belonging to said church.

"1st. That portion of the congregation of said First Church of Shelbyville, of which Mr. Grasty is pastor, to take and hold the house of worship belonging to said church, with the lot upon which it is situated, and the appurtenances thereto belonging, with the silver communion and baptismal service.

"2d. That portion of the congregation of said First Church, of which Dr. Matthews is pastor, to take and hold the parsonage property, grounds, and the appurtenances thereto belonging, the seats at the parsonage, and the melodeon.

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"3d. The debt of the First Presbyterian Church of Shelbyville, at the time of the division, in September, 1866, shall be equally divided between the parties—each party to pay one half of said debt.

"4th. The suits now pending between the parties in reference to the property, &c., shall be dismissed by those instituting them, each party paying their own costs.

"5th. The sessional records in the possession of the respective parties in September, 1866, shall be retained by them; and each shall give to the other a copy of the record so held, if required, up to the said time—September, 1866.

"6th. The said committee of that portion of the congregation of which Mr. Grasty is pastor, agree and pledge themselves to give the parsonage into possession of the congregation of which Dr. Matthews is pastor, on or about the first day of April, 1871.

"Signed in duplicate: R. F. Randolph, John W. Bell, E. A. Offutt, on the part of the congregation of which John S. Grasty is pastor. Sam'l Harbison, Joseph W. Lyle, Henri F. Middleton, on the part of the congregation of which Dr. Matthews is pastor. Shelbyville, Ky., February 21, 1871."

And whereas, the said parties desire that the said compromise shall be ratified and confirmed by this General Assembly, and the said parties be respectively incorporated; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said agreement of compromise be, and the same is hereby, approved, ratified, and confirmed; and the terms and conditions thereof are made a part of the charter to each of said parties herein granted.

§ 2. That the said party of which said W. C. Bullock, John P. Allen, and R. F. Randolph, are trustees, shall be, and are hereby, created a body-corporate, under the name and style of the "First Presbyterian Church of Shelbyville;" and as such may have and exercise all the powers and privileges incident to such corporations; and by their corporate name sue and be sued in all the courts of this Commonwealth. The real estate awarded to said party in said compromise shall be held and enjoyed by the same for all the purposes of religious worship, according to the rules and usages of the ecclesiastical organization of which they form a part, and the same may be sold and

1871. conveyed, and other real estate purchased for the use and benefit of the resident membership of said church, by the said trustees and their successors, duly chosen, whenever thereunto requested by the congregation to which they belong, at any regular meeting thereof called for that purpose from the pulpit, a majority of the resident membership consenting of record to such sale and conveyance or purchase.

§ 3. That the party which has said W. C. Harbison, Jas. Lyle, and Jos. W. Lyle, as trustees, be, and are hereby, created a body corporate, under the name and style of "The First Presbyterian Church of Shelbyville, in connection with the General Assembly of the Presbyterian Church in the United States of America;" and as such may have and exercise all the powers and privileges incident to such corporations; and by their corporate name sue and be sued in all the courts of this Commonwealth. The real estate awarded to said party in said compromise shall be held and enjoyed by the same for all the purposes of religious worship, according to the rules and usages of the ecclesiastical organization of which they form a part, and the same may be sold and conveyed, and other real estate purchased for the use and benefit of the membership of said church, by the said trustees and their successors, duly chosen, whenever thereunto requested by the congregation to which they belong, at any regular meeting thereof called for that purpose from the pulpit, a majority of the resident membership consenting of record to such sale and conveyance.

§ 4. The original corporation of the "First Presbyterian Church of Shelbyville," is modified by consent of said parties, as indicated herein; and the separate corporations hereby created may respectively have and exercise, as to the property awarded to them respectively by said compromise, all the powers and privileges granted in said original charter to the First Presbyterian Church of Shelbyville; and each board of trustees of said respective organizations shall immediately convey of record, without warranty, to the other board of trustees, the real estate received by them respectively under and by virtue of said compromise.

§ 5. This act shall take effect from its passage.

Approved March 20, 1871.

CHAPTER 1688.

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AN ACT to incorporate the New Castle and Sulphur Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. B. Morris, Wm. L. Gist, Joseph Flood, Thomas Brown, Jno. M. Eaton, John Morris, J. K. Smith, Henry Morris, R. L. Ricketts, Wm. W. Combs, and M. Bicknell, and their associates and successors, be, and they are hereby, constituted a body-corporate, under the name and style of the New Castle and Sulphur Turnpike Road Company, of Henry county," with the powers herein set forth; and by that name they may act, and shall be liable as corporate bodies usually are.

§ 2. That the capital stock of said company shall be seven thousand dollars, with the privilege to said company of increasing the said capital stock to twenty thousand dollars, and said stock shall be divided into shares of fifty dollars each.

§ 3. That subscriptions of stock may be received by said company under such conditions as they may prescribe, not conflicting with the general turnpike law, nor with a special turnpike law for Henry county, and amendments thereto, providing for the levy, collection, and disbursement of a county tax for turnpike purposes.

§ 4. That all subscriptions of stock heretofore received by the persons hereby constituted a corporate company, or in good faith subscribed for the purposes named in this act, be, and are hereby, made binding on such subscribers; and all acts heretofore done by the said corporators, or by the subscribers to said company, in the legitimate prosecution of the object for which they are now incorporated, be, and are hereby, fully legalized and made binding on said company.

§ 5. That said company be, and hereby is, authorized to construct a macadamized turnpike road from New Castle, beginning at the western side of said town, to Hillsboro church, and thence to Sulphur Station on the "Short Line" Railroad, in Henry county; said road to be of such a kind and character as to comply with the provisions of the before named act for the benefit of turnpike roads in Henry county.

§ 6. That upon the completion of two consecutive miles of road as provided for, said company may establish a toll-gate thereon, and may receive thereat tolls for all travel upon said road, in proportion to distance traveled, as said road is built; and may, upon the completion of said road, also establish two permanent toll-gates on said road, one within not less than one mile of the limits of the town of New Castle, and one within such distance of said Sul-

1871. phur Station as shall best suit the convenience of said company.

§ 7. That it shall be lawful for said company and its employees to enter upon and survey over any lands upon their said route, having notified the owner thereof; and to acquire by gift or purchase the right of way for their said road, and to also enforce the right to build their said road by writ of *ad quod damnum*, as provided by the general law.

§ 8. That the said company shall organize by the election of a president and ten directors; at which election and all future elections each share of fifty dollars of stock shall entitle its holder and owner to one vote; and said president and directors shall hold their said offices for one year, and until their successors shall be elected and qualified, and may fill vacancies occasioned by death or resignation, and may also elect their secretary and treasurer, and other executive officers.

§ 9. That this company shall have all the rights and privileges granted to any turnpike road company under the general laws of this State.

§ 10. That if said company shall at any time hereafter desire to connect at the Henry county line, or elsewhere, its said road, with a turnpike road now being built under charter from Bedford, in Trimble county, to the Henry county line, near said Sulphur Station, this company shall be entitled under this charter, but not bound by it to do so; and if such connection be made, then this company shall have the right to remove its toll-gate near said station to such point as, in the opinion of its board of directors, may best advance the interest of this company, or to establish an additional toll-gate on their said extended road; but not in any event to charge more toll than now provided by the general laws.

§ 11. This act shall take effect from its passage.

Approved March 20, 1871.

CHAPTER 1689.

AN ACT to authorize the Pendleton County Court to borrow money for certain purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Pendleton county court, a majority of the justices being present and concurring therein, be, and they are hereby, authorized and empowered to borrow not exceeding thirty-five hundred dollars annually, at any rate of interest not exceeding ten per centum per year. Said money, when borrowed, to be used in paying off such

claims as may be allowed by said county court at their regular court of claims, and not otherwise. 1871.

§ 2. That the said county court shall provide for the extinguishment of any debt created under this act by a capitation tax sufficient therefor, which shall be made annually.

3. And be it further enacted, that the said county court shall have no power to borrow any sum of money under this act for a longer term than one year.

§ 4. This act to take effect from its passage.

Approved March 20, 1871.

CHAPTER 1690.

AN ACT to amend an act, entitled "An act to incorporate the Eagle Petroleum and Mineral Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of this company shall be changed and hereafter known as the Curdsville Coal Company.

§ 2. That the corporators and directors of said company shall be James M. Trimble, F. J. Yager, John A. Trimble, F. W. Armstrong, and Dr. T. Thompson.

§ 3. That the capital stock of said company shall not exceed fifty thousand dollars; and that whenever twelve thousand five hundred dollars of said capital stock shall have been paid in, said company may organize.

§ 4. So much of the original act as is inconsistent with this amendment is hereby repealed.

§ 5. This act shall take effect from its passage.

Approved March 20, 1871.

CHAPTER 1691.

AN ACT to amend an act, entitled "An act to incorporate the Webster Coal Company," approved March 9th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sam'l P. Spalding, Jno. B. Hart, R. G. Rouse, jr., and James F. Clay, be, and they are, associated with the corporators named in the first section of said act.

§ 2. That said company shall have power to engage in, and conduct and carry on, the business of the company as contemplated by, and provided for in, said act; and to acquire, hold, and use real and personal estate for that purpose in the counties of Ohio, Daviess, McLean, Union,

1871. hundred dollars per year, upon all persons by them licensed to vend spirituous liquors; and upon the payment of said tax, the board shall grant said license, provided the applicant be a man of good character.

§ 14. They shall have authority, a majority of the trustees concurring, to suspend, either indefinite or for a limited time, any license they may grant, or which may have been granted, tavern-keepers or coffee-house keepers in said town, whenever they shall be satisfied that said tavern-keepers or coffee-house keepers have permitted any unlawful gaming, disorderly, or any indecent conduct, to be practiced or committed in his house, or has permitted any person to tipple therein: *Provided, however,* That no license shall be suspended until said tavern or coffee-house keeper shall have at least five days' previous notice, in writing, signed by the chairman, or one of the board of trustees, setting forth the grounds of such notice or complaint, and require him to appear before said board, at a time and place fixed in said notice, and show cause, if any he can, why his license should not be suspended; if any whose license shall have been thus suspended shall afterwards sell by retail any spirituous liquors or wine, he shall be deemed guilty of keeping a tippling-house.

§ 15. They shall have power and authority to suppress by ordinance, with suitable penalties, all tippling-houses, bawdy-houses, and houses of ill-fame; all retailing spirituous liquors or wine; all riots, routs, breaches of the peace, assaults, batteries, fornication, adulteries, disorderly or indecent conduct, vagrancy, disturbances of religious worship, disturbances of the peace and tranquility of said town, and all unlawful gaming done or committed in said town; they shall have full power and authority by ordinances, with suitable penalties, to prohibit hogs and other animals from running at large in the streets or alleys of said town; and to require and compel the abatement and removal of all nuisances within the limits of said town; they shall have full power and authority to pass any and all ordinances that they may deem right and proper, not inconsistent with the Constitution and laws of this State, or the Constitution of the United States, for the government, health, and prosperity of said town, and enforce them by suitable penalties.

§ 16. The board of trustees shall have full power and authority, a majority therein concurring, to assess, levy, and collect taxes on the value of all estates, real and personal, and choses in action, held, owned, possessed, or employed in said town, or on such classes of the same as they may designate; but such taxation shall be uniform on each description of property assessed, and shall not exceed twenty-five cents on each one hundred dollars of valuation in

any one year; but no tax shall be levied or collected on the choses in actions or money of any person except upon the excess of the sum over and above the just debts of such person on the day of such assessment.

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§ 17. The board shall also have power, by ordinance, to tax any store, grocery, lawyers and doctors and brokers, &c., that may be opened or commenced at any time subsequent to the time fixed upon for the annual assessment, and all itinerant merchants. They shall also have the right to tax auctioneers in said town not exceeding two per cent. upon all sales of goods, wares, and merchandise, not the product or manufacture of Kentucky, and require them to take out license with such restrictions as may be necessary to enforce said tax.

§ 18. The board shall have the right to tax, license, and regulate all carts, wagons, drays, hacks, and porters, which may be plying in said town for hire. They shall also have the power, whenever, in their opinion, the interest of the town may require it, to levy and collect a tax on all dogs in said town, not exceeding five dollars on the head. They shall also have the right to tax, not exceeding one hundred dollars for each exhibition or performance, or concert given, made, or exhibited for money within said town, or within one mile thereof, and may prohibit them until a license be obtained.

§ 19. Said board of trustees may levy a poll-tax, not exceeding two dollars, on each male inhabitant of said town over twenty-one years of age, and on all persons owning real property therein not residing in said town.

§ 20. The board shall annually appoint a town assessor, who shall take in a list of all the taxable inhabitants and owners of property in said town, separately, and affix against each the real estate owned by him in said town, with the value thereof, on the tenth day of January in that year in which the list was taken; and also the true and just valuation of such other estate of each of said inhabitants or owners, whether in goods, stock, or other property, owned, used, held, possessed, or employed by him or them in said town, on said tenth day of January, as may be designated by said board for taxation; which said list shall be made on oath of the party; or if the party refuse to give in a list and swear to the same, the list shall be made from the best information the assessor possesses. Two fair copies of said list, arranged in alphabetical order, shall be completed and returned to said board at their regular meeting in March; and any of said inhabitants or owners of property, upon application for that purpose, shall have the right to examine the same; and if any one should feel aggrieved thereby in excess of valuation or otherwise, application may be

1871. made, in ten days, to the board; and on proof being made to their satisfaction, the list may be corrected.

§ 21. When the said taxes are made out and fixed as herein required, a list shall be placed in the hands of a collector, to be appointed by the board, with their warrant or authority to collect the same. The power of the collector of said town taxes shall be the same as to distraining, advertising, and selling property, as is now granted by law to the sheriffs in the collection of the State revenue and county levy; and for failing to pay taxes on real estate, the same remedies, by damages and interest by sale of the real estate, shall exist, and the same lien also exist on the property taxed as in the collection of the State revenue. Bond, with good security, shall be taken in an adequate sum of said collector, payable to the town of Edmonton; and he shall be removable at the pleasure of the board. The collector and his sureties shall be liable to judgment, by motion or suit, in the Metcalfe circuit court, for failing to collect and pay over any sums put into his hands for collection, with ten per centum interest, and cost; and five days' notice of such motion will be sufficient, and there shall be no replevin or valuation of property on execution issued on such judgment; said collector shall settle his accounts, from time to time, as the board may require.

§ 22. The board shall have power and authority to appoint a treasurer, to whom all moneys belonging to said town shall be paid. It shall be the duty of said treasurer to receive from the collector, and from all other sources, any and all moneys belonging to said town, and to give his receipt for the same, and to pay out the same upon the order of the board. No claim or claims shall be paid by him until the same has been audited by the board and allowed. In all cases the payment shall be upon an order drawn by the clerk upon the treasurer for the amount appearing to be due the claimant; for which order the claimant shall execute a receipt to the clerk, and upon presentation, it shall be the duty of the treasurer to pay said order out of any funds in his hands belonging to said town not otherwise appropriated; said treasurer shall execute bond, with good security, to said town, for the faithful discharge of his duties; and like remedies are hereby given him and his sureties as in the case of the collector of taxes. It shall be the duty of said treasurer to make out and lay before the board a full and complete statement of all the money received and paid out by him, whenever said board may require him to do so.

§ 23. That the police judge of the town of Edmonton shall have the exclusive jurisdiction within the limits of said town of all misdemeanors and infractions of the ordi-

Police judge—
his powers and
duties.

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nances of said town, and of all causes, civil, criminal, and penal, in which the county judge of Metcalfe county has jurisdiction; and shall proceed in the same manner that the county judge of Metcalfe is required to proceed in similar cases. He shall be a conservator of the peace, and shall have the same jurisdiction, power, and authority in all cases, civil, criminal, and penal, within the limits of said town, that the county judge of Metcalfe county has. He shall have jurisdiction of all offenses or causes arising out of the by-laws or ordinances of said town, passed by the board of trustees of said town for the enforcement of the powers granted them by law. He shall have power to issue summons for witnesses in all cases pending before him, and to award compulsory process for their attendance. He shall have power to impose fines in all cases of misdemeanor to the amount of sixteen dollars, without the intervention of a jury; and shall have the right to imprison the person so fined in the county jail of Metcalfe county until the same is paid by imprisonment at the rate of two dollars per day. He shall have the same power to punish for contempt as by law justices of the peace now have. He shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as records of justices of the peace. That upon all judgments rendered by the police judge, either party shall have the right to appeal from said judgment in the same manner that appeals are taken from judgments of justices of the peace in similar cases.

§ 24. That the police judge shall issue his warrants in the name of the Commonwealth, as other warrants; and the same shall be directed to the marshal, constable, sheriff, or jailer of Metcalfe county; and shall be executed or returned under the same penalties as processes from justices of the peace. The police judge shall be entitled to one dollar for a peace warrant, or for a warrant for a riot, rout, breach of the peace, or unlawful assembly or affray, or any misdemeanor, or for a breach of any of the laws of the town of Edmonton, or any of the ordinances or by-laws of the board of trustees. He shall be entitled to a fee of twenty-five cents for all other warrants; twenty-five cents for recording judgment; twenty-five cents for rendering judgment; twenty-five cents for issuing execution; and twenty-five cents for continuance; and all other cases he shall be entitled to the same fees as justices of the peace for similar services.

§ 25. The marshal shall attend all regular meetings of the board of trustees, and all the sessions of the Edmonton police court, and preserve order under his or their directions; he shall execute all process emanating from the Ed-

1871. monton police court; he may be appointed town collector of taxes, and shall be entitled to receive the same fees and commissions therefor that sheriffs are allowed for similar service. He shall execute bond before the chairman and the board of trustees to the Commonwealth of Kentucky, condition faithfully to discharge all the duties of his office, and to pay over to the persons entitled thereto all sums of money that may come into his hands. He and his securities shall be liable by suit or motion to judgment in the courts having jurisdiction, in favor of any person or corporation entitled to money collected by said marshal, in like manner as constables are by law now liable, and shall be liable to suit and motion, in any court having jurisdiction of the amount, in all cases of delinquency or breach of official duty, in like manner as sheriffs are for similar delinquencies and breaches of official duty. He shall have full power within the county of Metcalfe to serve all process and precepts to him directed from the police judge, any justice of the peace, or county judge, or circuit clerk of Metcalfe county, and make due return thereof, and shall levy and perfect executions upon all orders and judgments of the police judge, justices of the peace, or judge of the quarterly court. He may serve notices in all cases, and make due return thereof, and for his services he shall receive the same fees and commissions as sheriffs or constables are by law entitled to receive for similar services, where it is not otherwise provided for by this act. He shall be entitled to a fee of one dollar for serving a peace warrant, or a warrant for a riot, rout, breach of the peace, affray, or unlawful assembly, and for all warrants where a fine is to be assessed by a jury, before the police judge, justice of the peace, or judge of the quarterly or circuit court, and to the same fees from the State, to be paid out of the treasury and county levy, for serving felony warrants, as a constable is for like services; and in the exercise of the power therein conferred, he shall be governed in cases by the laws governing constables, and be liable in the same manner and to the same extent as sheriffs and constables are in like cases for non-performance of any of the duties enjoined in this act.

§ 26. The police judge of the town of Edmonton shall have full power and authority to approve all bonds given by hotel-keepers, coffee-house keepers, and vendors of ardent spirits to the Commonwealth, that may be licensed by said board of trustees; and when so approved, shall have the same effect in law as if taken before and approved by the judge of Metcalfe county; but said bond shall be taken by the county clerk (for Metcalfe county) as is now by law required.

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§ 27. Should a vacancy occur in the office of police judge or town marshal, the same may be filled until the next regular election by appointment of the board of trustees.

§ 28. If, from any cause, the election provided for in this act for chairman and trustees is not held at the time herein provided for, the county court of Metcalfe county shall, by an order entered upon said county court's record, appoint a chairman and four trustees to act until the next regular election, who shall take the same oath of office, and have the same powers and authority, as if they had been elected as required by this act.

§ 29. The trustees now in office shall remain in office, and may exercise all the powers granted to the trustees of said town by this act, and shall be subject to all the liabilities, and discharge all the duties imposed by this act, in the same manner as if they had been elected under it, until their successors are elected and qualified.

§ 30. The board of trustees shall publish annually, at the expiration of the term of each board, an account of all the money received by them, and all the payments made out of the treasury during the year, and the amount of the debts of the town, which statement shall be verified by the chairman of the board.

§ 31. That in the absence of the police judge of said town, the chairman of the board of trustees shall have all the power and authority conferred by this act upon the police judge.

§ 32. The board of trustees may employ an attorney to prosecute persons brought before the police court for offenses committed within the said town, and may agree with him as to his compensation.

§ 33. The time for holding the police court for the trial of civil causes shall be regulated in the same manner that courts of justices of the peace are now regulated by law; said court shall be regarded as open and in session at any and all times, except Sundays, for the trial of criminal and penal causes, or any cause arising out of a violation of the by-laws or ordinances passed by the board of trustees.

§ 34. The board of trustees shall have full power to appoint a street commissioner, and direct him to notify the hands residing in said town, who are subject by law to work on roads, to attend at any time they may deem proper, with suitable tools, to work the streets and alleys and roads within the limits of said town; and any person failing to attend, when notified by said street commissioner, or who shall fail to work on said streets, alleys, and roads, shall be subject to a fine of one dollar and fifty cents for every day they so fail to attend and work;

1871. § 6. That whenever as much as one continuous mile of said road, or any part or parts thereof, is completed, the president and directors may erect a toll-gate or gates on such mile or miles, at such points thereon as they may think best, and proceed to collect tolls at such gate or gates at the rates allowed herein; but no tolls shall be collected until the said one mile of road shall have been viewed by three housekeepers of the county, to be appointed by the county court for the purpose, and shall have reported, by written affidavit, the condition of said road; whereupon, if it appears by said affidavit that said two miles has been completed according to this act, tolls may be collected then, otherwise not; the affidavit shall be filed and noted of record in the county court.

§ 7. When the road is completed the company may erect two toll-gates and two toll-houses at such points or places as they may choose, and may, if necessary, condemn two acres of ground at the site of each gate, by writ of *ad quod damnum*, for necessary toll-house and buildings; the proceedings and writ shall be the same as in other cases in this act.

§ 8. That if the said president and directors adopt the route of the present Burlington and Belleview Road for the first mile thereof from Burlington, then all such persons as have subscribed and paid, in work or money, to the improving and piking of said road within said distance from said town during last year, shall be, to the extent so paid by them, entitled to stock in said company; and the president and directors shall make such entries on the records and books of said company as will show the amount of stock such persons are entitled to, for the reasons aforesaid; no such person shall vote in said company by reason of said stock, unless the said stock he owns is one full share—\$25 or more; when such person owns twenty-five dollars or more of such stock, the person so owning it may vote as if it were regularly subscribed stock; but the holders of all such stock shall be entitled to the rate of dividends with the other stockholders; but no such stock is to be considered as part of the 250 shares to be taken before the organization of the company.

§ 9. That the act to which this is an amendment, and the act referred to in section 6th of that act, are hereby declared to be in force, except so far as amended or repealed by this act, and, together with this act, are to regulate the proceedings, duties, powers, obligations, and liabilities of said company, to the extent prescribed in this and in said acts. The said company may commence its work at any time within five years after the passage of this act.

§ 10. This act to take effect from its passage.

Approved March 20, 1871.

CHAPTER 1696.

1871.

AN ACT to Charter the Middleburg, Knob Lick, and Trace Fork Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be formed and created a body-corporate and politic, by the name and style of the Middleburg, Knob Lick, and Trace Fork Turnpike Road Company, for the purpose of building a turnpike road from Middleburg, up Knob Lick creek and down the Trace Fork, to such point as the president and directors may agree.

§ 2. That the capital stock of said company shall be thirty thousand dollars, to be divided into shares of twenty-five dollars each.

§ 3. That books for the subscription of stock be opened by A. Williams, Nathan Coffey, James E. Williams, James Carson, James R. Dunn, J. J. Tabe, who are hereby appointed commissioners for said purpose, at such times and places as they may deem proper. When the sum of two thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners mentioned in this section to give notice, in such manner they think proper, for the meeting of the stockholders, at such time and place as the notice may specify, for the electing a president and five directors; one vote shall be allowed for each share of stock; and the president and directors shall remain in office for two years, and until their successors are elected and qualified. The times and places of all elections shall, after the first, be fixed by the president and directors; and a majority of the board shall be competent to transact business.

§ 4. So soon as said company is organized by the election of officers, the president and directors shall be a body-politic and corporate, in fact and in law, under the name and style of the Middleburg, Knob Lick, and Trace Fork Turnpike Road Company; and by that name they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court in law, equity, or elsewhere; also have a common seal, and do all other lawful things to carry out the purposes for which this corporation was created.

§ 5. Said president and directors shall fix and regulate the elevation and grade of said road, width, and the part thereof to be covered with stone or gravel, and shall designate the beginning and terminus of said road; and may fix the rate of tolls, not to exceed the rate now fixed by general law.

1871. § 6. The president and directors, with their surveyor, &c., are hereby empowered to enter upon the lands and inclosures, and upon the highways through and over which this road may pass, and to examine the ground most proper for that purpose; and may examine quarries, gravel beds, &c., necessary for the purpose of constructing said road.

§ 7. It shall be lawful for the president and directors, with their workmen, tools, wagons, beasts of draft, to enter into the lands in and contiguous and near to which said road may run, having first given notice to the owners of said land or their agents, provided the president and directors shall not agree with the owners of the land through which said road is to pass as to damages which said owners are to sustain by the road passing through their lands. The president and directors shall apply to the county court of Casey for a writ of *ad quod damnum* to assess the damages which the owners of said lands may sustain; and the jury shall take into consideration, in assessing the damages, the advantages and disadvantages resulting in consequence of the road having passed over their lands.

§ 8. The president shall give notice, in such manner as he may deem proper, the amount of call on each share of stock, and of the time of payments; and if any person shall fail to pay his amount of stock for the space of thirty days after the time of payment, he shall pay interest on said call at the rate of ten per cent. per annum until paid.

§ 9. This act to take effect from its passage.

Approved March 20, 1871.

CHAPTER 1697.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky Central Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky Central Railroad Company shall have the power to extend its road, and build and equip and maintain one or more branch roads and lines of telegraph, from any point on the line of its main road to the Southern boundary line of the State of Kentucky, or to any intermediate point; and for this purpose may exercise all the powers heretofore granted for the purpose of acquiring right of way, and of building and maintaining and operating the main line.

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§ 2. That the board of directors of said company may, for the purpose of extending said road, and of building said branches, increase its capital stock, and borrow money, and issue bonds therefor, payable at such time and place, and bearing such interest, and sell the same at such price as they may determine, and for the payment thereof may mortgage the said road, its entire property, equipments, and franchises; and the said board of directors may issue and dispose of a special stock upon such terms and conditions as they may approve, and may borrow money, and issue bonds therefor, bearing such rate of interest as they may determine, and sell the same at such price as they may determine upon; and for the payment thereof may pledge the said extension or branch roads, their properties, equipments, and franchises; and the net earnings of said extension or branches shall be appropriated to the payment of the dividends on such special stock, and the interest of said bonds.

§ 3. That any county or city through which the said extension or branches may pass, or adjacent thereto, or on the line of the main road, may make donations to said company, and subscribe for the stock or bonds to such amounts, and payable at such times and on such conditions, as may be proposed by said company or its agents, and ratified by a majority of all the qualified voters of said city or county; and upon the application of said company or its agents, the mayors of the respective cities, and county judges of such counties, respectively, so applied to, may or not, in their discretion, give public notice designating a day, and cause a vote to be taken by the qualified voters for and against the respective propositions submitted, of which notice shall be given within ten days after such application is made; and the times and places of taking such vote shall be published by posting up printed advertisements, set up at the respective voting places in each precinct in such city or county, and at least three more public places in such precincts, specifying for what purposes the vote is to be taken, three weeks preceding the day of such voting; and it shall be the duty of the officers now required by law to appoint judges, clerks, and other officers to superintend and conduct said voting or elections in said cities or counties, with such powers and under such regulations as are prescribed at other city and county elections, and to make their returns as at other elections. The mayors and county judges shall examine and compare the polls of the vote taken in their respective counties and cities, and declare and certify the result thereof, which, if in favor of the proposition submitted, shall be recorded in the city or county clerk's office of the respective cities or counties; and said election may be

1871. contested as other elections; any ten tax-payers may contest the same by setting up a printed notice at the courthouse door of the city or county in which such election is held, which shall be deemed sufficient service upon the company; and if no such contest is made, then it shall be the duty of the county judge, at the second succeeding term of his court, to have entered upon the order-book of the county court, or of the mayor of the city upon the record-book of the council, the vote and the fact that such election has been fairly held, and has not been contested, and that the city or county is bound by the same; and such entry shall constitute the obligation of such city or county.

§ 4. Upon the compliance of said company with the stipulations of the respective propositions so ratified by said counties and cities, the mayor and council of said cities, and the county courts of said counties, shall levy upon all the property of said cities and counties, subject to State revenue, ad valorem taxes sufficient to pay the various sums agreed to be paid as they become due, allowing for the usual delinquencies in collections, and for commissions to officers; and they shall cause the collections to be made by the same officers, under proper bonds and securities, with the same power and authority granted, and under the same liabilities imposed by law, as other taxes are collected in said cities and counties, and paid to the said railroad company; and the mayor and council of said cities, and county courts of said counties respectively, are hereby fully empowered to do all other things necessary to carry out all contracts between their several cities and counties and said company, made in pursuance of this and the foregoing section.

§ 5. The said railroad company may receive and enjoy any corporate rights, franchises, and privileges in Tennessee, or other Southern States, which may be granted to it by the Legislatures thereof.

§ 6. The said company may consolidate its main line, or the branches hereby authorized, with any other railroad connecting therewith, on such terms as may be agreed upon by a majority in interest of the stockholders of both companies: *Provided*, That such consolidation or connection shall not authorize said company so to change the direction of said road as to divert the same from the cities or towns of Lexington, Covington, Falmouth, Cynthiana, or Paris, as provided by an act, entitled "An act to amend the charter of the Licking and Lexington Railroad Company," approved February 27, 1849: *Provided further*, That the provisions of the third and fourth sections of this act shall not apply to the county of Kenton or city of Covington.

§ 7. The stock of said company shall be divided into shares of one hundred dollars each, and shall be held to be personal estate.

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§ 8. That to the extent of all claims of persons for injuries to stock or person, or for materials furnished said company, or breach of contract, the claimant shall have a lien upon the rolling stock, of said company, any mortgage to the contrary notwithstanding.

§ 9. Nothing in this act shall be held to affect the pending litigation between the old Covington and Lexington Railroad Company and the said railroad company; and in the event the old stockholders gain the suit now pending, any mortgage hereafter placed on said main line of railway, by authority herein given, shall be null and void.

§ 10. The General Assembly reserves to itself the right to alter, amend, or repeal this amendment to the charter of said company at its pleasure.

§ 11. This act shall take effect from and after its passage.

Approved March 20, 1871.

CHAPTER 1698.

AN ACT for the benefit of J. W. Hazelrigg and the heirs of E. E. Duke, deceased.

WHEREAS, It appears to the General Assembly of the Commonwealth of Kentucky that John W. Hazelrigg and E. E. Duke were the securities of Francis Garrett, clerk of the Morgan county court, for the years of 1857 and 1858; and that the Commonwealth of Kentucky brought suit against the said Garrett and his securities in the Franklin circuit court for taxes collected by said Garrett as such clerk from the 16th day of November, 1857, to the — day of September, 1858; and on the 3d day of July, 1863, recovered a judgment against said Garrett and his securities for the sum of \$221 35, with interest, and \$41 27 damages, and \$7 45 cost; and that said Garrett is dead, and died insolvent; and that E. E. Duke has also died, and left but a small estate, with a large family; and that the said Garrett, in his lifetime, had paid said money over to T. N. Perry, who was the trustee of the jury fund; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the said securities of the said Garrett, to-wit, J. W. Hazelrigg and E. E. Duke's executor, be, and they are hereby, relieved from the payment of said judgment, and are fully discharged from the same.

Approved March 20, 1871.

1871.

CHAPTER 1699.

AN ACT for the benefit of S. B. Huey, of Boone County.

WHEREAS, George Rausler, of Boone county, was adjudged to be a lunatic by the verdict of a jury empaneled to inquire into the state of his mind, and Samuel Cowen and S. B. Huey were appointed by the court a committee to deliver said Rausler to the Eastern Lunatic Asylum; and whereas, the law only allows pay to one guard where the lunatic is received, and that pay was allowed to, and received by, Samuel Cowen, leaving the said S. B. Huey without compensation for his services in assisting in the conveyance of said Rausler, as above stated, to the Eastern Lunatic Asylum; and whereas, the distance traveled in going to and returning from said asylum is two hundred and thirty miles, and an allowance for which, at eight cents per mile, would amount to eighteen dollars and forty cents; therefore, for the payment hereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer in favor of said S. B. Huey for the sum of eighteen dollars and forty cents for the settlement of the above claim.

§ 2. This act to take effect from its passage.

Approved March 29, 1871.

CHAPTER 1700.

AN ACT to amend an act, entitled "An act for the benefit of the County of Fleming," approved February 17th, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the county of Fleming," approved February 17th, 1871, be, and the same is hereby, so amended that it shall not be lawful for the county court of said county to levy and collect a tax upon any of the voting precincts of said county that subscribed to the main trunk railroad from Maysville to Paris, under an act, entitled "An act to amend the act authorizing the counties of Bourbon, Nicholas, and Fleming to take stock in the Maysville and Lexington Railroad Company, Northern Division," approved February 25th, 1869, unless the provisions of section 3d in said last mentioned act be first complied with.

§ 2. This act shall take effect from and after its passage.

Approved March 20, 1871.

CHAPTER 1701.

1871.

AN ACT to allow the County Court of Oldham County to issue bonds for Turnpike purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of Oldham county shall have power and authority to make and issue the bonds of said county to the amount of forty thousand dollars; said bonds shall be made payable to the holder thereof; shall bear interest at the rate of six per cent. per annum; shall be due and payable twenty years after their date; and the county shall have the right to redeem any of said bonds after the expiration of one year; said bonds shall be signed by the judge of the Oldham county court, and attested by the clerk of said court under his seal of office, and shall be numbered and registered.

§ 2. Said bonds shall be known as the turnpike bonds of Oldham county; and the court of claims of said county shall provide for the annual payment of the interest of said bonds, and for the payment of said bonds at or before their maturity, out of any tax or taxes that may be levied upon said county for turnpike purposes, under any act of the Legislature which may authorize the same: *Provided*, That no bond shall be issued until provision has been made for the payment of its principal and interest.

§ 3. The fund arising from said turnpike tax or taxes shall be faithfully applied, from year to year, in payment of the interest accruing on said bonds; and the residue of said fund, remaining after the payment of the interest, shall be applied in payment of the oldest of said bonds that may then be outstanding.

§ 4. Said bonds shall be delivered by said court to the various turnpike companies of said county, in payment of the county subscriptions which have been or which may hereafter be made to said companies, pursuant to said act.

§ 5. Said bonds shall be issued only as they may be needed, in payment of county subscriptions to turnpike roads; and as said bonds shall be redeemed, others may be issued, as required for turnpike purposes under said law.

§ 6. When said bonds are redeemed, they shall be destroyed, and a record of the fact shall be made by the clerk, under the order of the judge of said court.

§ 7. No tax to the State shall be paid on the seal on said bonds.

§ 8. This act shall be in force from and after its passage.

Approved March 20, 1871.

1871.

CHAPTER 1703.

AN ACT to incorporate the Little Benson and Lane's Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated for the purpose of constructing a turnpike road from Crockett's hill, on the Frankfort and Lawrenceburg Turnpike Road, in Franklin county, to the Anderson county line, under the name of the Little Benson and Lane's Mill Turnpike Road Company, which road may extend to the Lawrenceburg and Clifton pike, in Anderson county, near Providence meeting-house; and by that name shall have perpetual succession, and shall be capable of suing and being sued, contracting and being contracted with, and all the privileges and franchises incident to a corporation.

§ 2. The capital stock of said company shall not exceed ten thousand dollars, divided into shares of fifty dollars each.

§ 3. That Scott Brown, Samuel McKee, and Edwin Crockett, are hereby appointed commissioners, any one of whom may receive subscriptions of stock to said company, which may be in substance as follows, viz: "We, whose names are hereunto subscribed, do severally promise to pay to the Little Benson and Lane's Mill Turnpike Road Company the sum of fifty dollars for each share of stock set opposite to our respective names, at such times, and in such manner and proportions, as shall be required by the said company. Witness our hands this — day of —."

§ 4. That as soon as one hundred shares, or five thousand dollars, shall be subscribed by individuals and the Franklin county court, it shall be the duty of said commissioners, or some one of them, to call a meeting of the stockholders at some designated place, for the purpose of electing from their number a president and three directors, and a treasurer and secretary, who shall hold their offices for one year, and until their successors are duly elected and qualified; of which meeting public notice shall be given at least one week before the same is held. In all elections of officers, each stockholder shall have one vote, in person or by proxy, for each share of stock held by him in said company, and the county of Franklin shall be entitled to as many votes as she holds shares in said company, to be given by the county judge of said county.

§ 5. All of said officers, before acting as such, shall take an oath before some judge or justice of the peace, faithfully and honestly to perform the duties of their respective offices; and the treasurer of said company shall also

execute a covenant, with good security, to said company, containing such conditions as they may prescribe. The treasurer and secretary, after the first election by the stockholders, shall be elected by the president and directors, and shall be removable at their pleasure. The annual election of president and directors shall be held on the first Saturday in April of each year; any vacancy in the office of president or director shall be filled by the other directors. 1871.

§ 6. The president and any one director, or the two directors, in the absence of the president, shall constitute a quorum for the transaction of business. The president may call meetings of the board at such times and places as he may think proper. A record of their proceedings shall be kept by the secretary, which shall be signed by the president.

§ 7. The president and directors shall have the power to locate said road on any lands lying between the Frankfort and Lawrenceburg Turnpike Road, commencing at Crockett's hill, on said road, and the Anderson county line, running in the direction of Lane's mill; and for that purpose shall have the right to enter upon any of said lands, by themselves, their agents, employees, and engineers, for the purpose of surveying and examining the same, and locating said road, and of working upon the same; and the power to take from the line of said road, as located, or from any land in the vicinity thereof, any earth, stone, timber, or gravel necessary for the construction or repair of said road; and in case of disagreement between them and the owners of such materials as to the value thereof, the same may be condemned under the general laws of the State. They shall have the power of receiving relinquishments of land and material for the route and construction of said road, or of contracting for the same, or, if necessary, may have the same condemned by writ of *ad quod damnum* from the Franklin county court; said road shall be graded and macadamized, or graveled in such manner, and of such width and grade, as may be determined by said president and directors; however, not less than thirteen feet metal.

§ 8. That when three continuous miles of said road shall be completed from said Frankfort and Lawrenceburg Turnpike Road, in a good and substantial manner, and proof thereof is made to the satisfaction of the Franklin county court, said president and directors shall have the right to demand and collect a rate of tolls for said three miles from all persons using said road with horses, cattle, or other animals, and with wagons and other vehicles of conveyance, not exceeding the rates authorized to be collected on the Frankfort and Lawrenceburg Turnpike Road

1871. for the same distance; and as said road progresses to completion, the same charges of toll may be made for any additional part of said road so completed; and for the purpose of erecting toll-houses and gates for the collection of said tolls, said president and directors may purchase and hold any quantity of land, not exceeding two acres, at any gate, or, if necessary, may have a sufficient quantity of land for that purpose condemned by writ of *ad quod damnum* from the Franklin county court.

§ 9. If any person liable to pay toll at any gate on said road shall, directly or indirectly, evade the payment thereof, such person, for every such offense, shall forfeit and pay to said company the sum of twenty dollars, recoverable in the name of said company in any court having jurisdiction thereof.

§ 10. This act shall take effect from the passage thereof.

Approved March 20, 1871.

CHAPTER 1704.

AN ACT to incorporate the Henderson Fence Company.

WHEREAS, The section of land in Henderson county, Kentucky, lying between Green and the Ohio river, above the mouth of Green river, forming a point of land by its junction with the Ohio river, and subject to overflow; and whereas, all timber on said lands suitable for making rails has been consumed, and it is now necessary to procure the rails elsewhere, and to transport them to the farms at a heavy expense; and whereas, the rises in the Ohio river and Green river overflowing those lands nearly every year, and sometimes late in the spring, and sweeps away the fencing from said lands; and whereas, post and plank fences have been found impracticable, since they are broken down by drift-logs or swept away by the flood; and whereas, it is desirable in point of convenience, economy, and necessity, that one common fence should be built and kept up at a common expense from river to river (the lands above named forming a point in the shape of a triangle), the economy of such a fence being manifest in the fact that the extent of such a fence, inclosing all the lands, would be less than would be necessary to inclose any two of the largest farms there, the necessity existing in the fact that when the floods occur late in the spring, as is quite often the case, it would be impossible to get in or cross at all if the farms were to be post-fenced. It is further believed that the proposed common fence can be so located to be made

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quite permanent, if not altogether so; and whereas, the cost of said common fence should not, in justice, fall upon any one, two, or three of the owners of said land, but should rest proportioned to their interests in said lands upon all and every one alike; and whereas, there is a county road running from the mouth of Green river up the Ohio river bank, and it may be to the interest of the owners of said land to run a fence across said road, and erect a gate for passengers across said road, with a gate-keeper to let passengers through free of toll; and whereas, the expense of such gate-keeper, and the expense of keeping the fence in repair, and every expense necessary to the success of the project, should be borne alike by all parties receiving benefit therefrom, and it will be necessary to have such rules and regulations, with power to enforce them, as will regulate the time of putting up stock inside of said inclosures, and to prevent the turning loose of stock before all parties shall be in a condition not to be injured thereby, and to regulate many and other and various other matters connected with the use of a common fence unnecessary to enumerate, since they will present themselves upon a moment's reflection; and whereas, it will be necessary to inflict fines and penalties in either to the enforcement of rules and regulations as may be established; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John E. McCallister, Wm. B. Hopkins, Ben. Talbott, Joseph McCallister, T. Bethett, T. P. Jorden, and Wm. Wells, and such other persons in their stead as may succeed to the ownership of the lands now owned by them, lying and being in the county of Henderson, on the point of land formed by Green river and the Ohio river, bounded by the Ohio river on one side up as far as the upper line of Wm. B. Hopkins' farm, on the bank of the Ohio river; and thence out with his line to a ridge on which his fence now stands; and thence down that ridge to Green river; and thence down Green river to its junction with the Ohio river, and all subject to overflow from the waters of the Ohio and Green rivers, be, and are hereby, constituted a body-politic and corporate, under the name and style of the "Henderson Fence Company, in the Point North of Green River;" with power to sue and be sued, to contract and be contracted with, for the specific purposes as set forth in the foregoing preamble, and, to-wit: to build and rebuild and keep in repair, from year to year, one common fence—post, plank, or rail—inclosing their land hereinbefore mentioned: *Provided*, Said fence shall not be built upon the lands of any other parties than those named in this act, with further power to employ and

1871. salary a gate-keeper hereafter, if they should conclude to fence up the public road.

§ 2. They shall elect of their number a chairman, a secretary, and a treasurer; two thirds of the parties above named constituting a quorum for such elections, or for the transaction of any business whatever. In the event of the division and sale of any of the lands inclosed by the common fence increasing the number of parties in this corporation by virtue of the first section of this act, it shall still require two thirds of all the parties to constitute a quorum for the purpose set forth in the first section.

§ 3. They may have power to pass any rules and regulations, and to impose fines and penalties, that they may deem proper to insure the success of the object of this act.

§ 4. It shall be unlawful for any person to break or throw down the common fence during the time that the company, by its by-laws, shall require the common fence to be kept up; and any person so offending, by breaking or throwing down and leaving down the common fence, shall forfeit and pay to the treasurer of said company not less than five nor more than twenty dollars, at the discretion of a jury, recoverable before any court of competent jurisdiction in said county; and shall be further liable for all damages that may accrue by reason of his throwing down the common fence, recoverable in like manner, before any court of competent jurisdiction; and any stock that is found roving about in the common inclosure, after the time prohibited by the by-laws of said company, shall be taken up by order of said company and kept at the expense of the owner (and such charge shall be a lien on said stock), until the owner comes and takes it away, and pays charges for the keeping it.

§ 5. It shall be the duty of the secretary to make all contracts involving the expenditure of money; but no such contracts shall be binding upon the company until submitted for their approval, and countersigned under their order by the chairman, a record of the yeas and nays being kept by the secretary; and when it becomes necessary to meet the expense incurred by any contract of the company, it shall be the duty of the secretary to assess a specific tax upon the parties named in this act, or hereafter becoming parties by virtue of this act, in proportion to the number of acres of land owned by each, which shall be determined by the deeds filed in the clerk's office, sufficient in the aggregate to cover said expense, and to deliver a copy of such assessment or assessments, over his official signature, to the treasurer.

§ 6. It shall be the duty of the treasurer to collect all assessments made and delivered to him by the secretary from the parties against whom such assessments have

been made, and he is hereby granted the power to collect the same by law; and to secure the payment of any such assessments, the company shall have a lien upon the lands inclosed by the common fence, and against which the assessment has been made; which lien may be enforced by any court of competent jurisdiction in the county of Henderson. It shall further be the duty of the treasurer to collect all fines imposed under the power granted in sections three and four of this act, and he shall have power to collect the same.

§.7. It shall be further lawful for them to contract for the erecting of any fence or parts of fences, that may be not already built upon the route of the proposed common fence; such contract being in perfect keeping with the spirit of this act.

§ 8. The first annual election to take place on the last Saturday in March, 1871, at which time there shall be chosen a president (one of the company), a secretary, and treasurer; each of whom shall hold their office till the next annual election, which shall thereafter be held on the first Saturday in January of each year. Any vacancy occurring in the office of president, secretary, or treasurer, shall be filled at any fixed meeting of the company by regular election; times of holding meetings to be fixed by the by-laws of the company.

§ 9. This act shall take effect from its passage.

Approved March 20, 1871.

CHAPTER 1705.

AN ACT to amend the Charter of the Pleasant Hill and Jessamine County Turnpike Road Company (new).

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of directors of the Pleasant Hill and Jessamine County Turnpike Road Company (new) may, and hereby have, the privilege to erect a toll-gate between Pleasant Hill and the Kentucky river, and collect toll thereat, in proportion to the distance, on all travel, hauling, &c., on the road between the designated points; which travel, hauling, &c., will not pass over any other part of the road.

§ 2. This act to take effect from its passage.

Approved March 20, 1871.

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CHAPTER 1706.

AN ACT for the benefit of A. C. Kincheloe, of Spencer County.

WHEREAS, It appears that A. C. Kincheloe, former sheriff of Spencer county, has claims against the State, properly authenticated and proven, but never paid heretofore, because not presented to the Auditor within the time prescribed; which claims amounted to the sum of eight dollars; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is directed to pay the said claim of eight dollars to the said A. C. Kincheloe, out of any moneys in the Public Treasury otherwise unappropriated.

§ 2. This act to take effect from its passage.

Approved March 20, 1871.

CHAPTER 1707.

AN ACT for the benefit of Knox county.

WHEREAS, It is made manifest to the General Assembly of the Commonwealth of Kentucky that the county of Knox has a good and safe jail, which requires no guard to prevent the escape of prisoners confined therein; and whereas, it has been further shown, that, during the time John Owens was confined in the Whitley county jail on a charge of murder, an attempt was made by a body of armed men to rescue and release said Owens from said jail, and was only prevented from so doing by a guard that had been ordered by the county judge of Whitley; and whereas, the case of the Commonwealth against John Owens was removed to the Knox circuit court by change of venue, and said John Owens transferred from the Whitley to the Knox county jail; and whereas, the judge of the Knox county court had reasonable grounds to apprehend that an attempt would be made by an armed force to release said Owens from the jail of Knox, ordered a guard to prevent same, which claim amounts to four hundred and ninety-three dollars, which, under an act of the Legislature, approved the — day of —, 186—, will have to be paid by the county of Knox, which would be unjust; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said county of Knox be exempt from the payment of the claims of said guard out of the county levy, and that the sheriff thereof is directed to pay said claims,

amounting to four hundred and ninety-three dollars, out of the revenue due from Knox county for the year 1871; and the Auditor of Public Accounts is directed to credit said sheriff with said amount, upon settlement of his account for the revenue of Knox county for the year 1871.

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§ 2. That this act to take effect from its passage.

Approved March 20, 1871.

CHAPTER 1708.

AN ACT to amend an act, entitled "An act to incorporate the Bowling Green Manufacturing Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Bowling Green Manufacturing Company be, and the same is, so amended as that, in the event of the death, removal, or refusal to act of the president thereof, that the board of directors be authorized and required to appoint some suitable person to act as president until the next annual election of said board after such vacancy occurs as aforesaid.

§ 2. This act to take effect at its passage.

Approved March 20, 1871.

CHAPTER 1709.

AN ACT for the benefit of Murray Common School District, in Calloway County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby directed to draw his warrant on the Treasurer in favor of the common school commissioner of Calloway county for the sum of six hundred and twenty-two dollars for the Murray District, No. —, in said county, being the aggregate amount of school fund due said district for the years 1862, 1863, 1864, 1865, 1866, and 1867: *Provided*, That the said amount shall be deducted from the surplus bonded fund set apart to the credit of said county.

§ 2. This act to take effect from its passage.

Approved March 20, 1871

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CHAPTER 1711.

AN ACT incorporating the Montgomery Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That Wm. Hoffman, Wm. Mitchell, J. A. Hannah, Thomas H. Grubbs, and C. O. Moberly, and their successors and associates, are hereby created a body-politic and corporate, under the name and style of Montgomery Manufacturing Company ; and under that name shall have perpetual succession, with power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts in this Commonwealth and elsewhere ; and may make all by-laws, rules and regulations, they may deem necessary for the direction, management, and control of the property, business, and affairs of said company, and the government of its officers, agents, and employees ; may use a common seal, and generally do and perform all acts as a corporation which any individual may lawfully do or perform in and about the business hereinafter authorized.

§ 2. Said company shall have power and authority to elect or appoint any one or more of its members, or other person or persons, officers and agents to manage, superintend, and direct each of the several departments of the business, affairs, and property of said company, and prescribe their terms of service, duties and responsibilities, and compensation, and may require the execution by each, or any of them, of bonds, with reasonable penalties, for the faithful performance of their respective duties ; and upon any bond thus taken recovery may be had in any court for a breach or violation of the conditions thereof.

§ 3. The capital stock of said company shall be twenty-five thousand dollars, and may be increased to two hundred and fifty thousand dollars ; and the said capital stock shall be divided into shares of one hundred dollars each, which may be subscribed and paid for, in money or property, in such manner as may be determined by said company ; such shares shall be personal property, and may be transferred in such manner as said company by its by-laws may direct ; but said company shall hold a lien on the shares of any stockholder, who may be indebted to it for unpaid stock, or otherwise ; and such shares shall not be sold and transferred until such debt shall be paid, or be secured to be paid satisfactorily to said company ; when any stockholder shall have paid up his stock in full he shall be entitled to certificate for same, to be issued in conformity to the by-laws, and said stockholder shall not be subject to any further call.

§ 4. The incorporators herein named, or a majority of them, may at any time open books for subscription of stock, and organize this said company; and for all subscriptions of stock made in real estate at an agreed value, deeds in fee simple therefor shall be properly signed, acknowledged, and delivered; and record of the same shall be made in the clerk's office of the Montgomery county court. At the first meeting of the stockholders an election shall be held for not less than three nor more than five directors, who shall select their president; the business of the company to be intrusted to said board of directors, who shall be elected from year to year, or until their successors are appointed. In all elections, each share of stock shall be entitled to one vote; and in the government of the company, and in the transaction of its business, and in all proceedings, each share of stock shall entitle the holder, in person or by proxy, to one vote; but no action of the stockholders of said company shall be binding unless a majority of all the shares of stock issued shall be in favor of the same. Authority for representation by proxy shall be in writing, witnessed and acknowledged before a notary, or other public officer. No proxy authority shall be binding or valid for a longer period than one year from the date thereof.

1871.

§ 5. The property of said company shall be assessed for State and local taxes.

§ 6. There shall be prepared, annually, a statement of the condition of the affairs of said company for the information of each and all the stockholders; and any creditor of said company, at any time during the usual business hours, shall have the right, on application at its office, to ask for information as to the solvency of the company; and it shall be the duty of the person having charge of the books to give such information.

§ 7. The principal office of said company shall be located in Mt. Sterling, Kentucky; and the business of said company shall embrace such manufacturing interests and occupations as the company, or a majority thereof, may establish, whether of cotton, wool, wood, or iron, and the manufacture thereof into articles for trade and traffic, or the manufacture of any other thing lawful to be manufactured; and to that end the said company may purchase and hold real estate, and make improvements thereon, if not already improved, to be used in their said business; and may sell and convey such property, or any part thereof, when deemed necessary in managing or in winding up said business; and they may sell, trade, or exchange all their productions as natural persons can do the same.

1871. § 8. Said company may issue bonds, secured by mortgage on their real and personal property, bearing not exceeding ten per cent. interest per annum.

§ 9. This act shall be in force from its passage.

Approved March 21, 1871.

CHAPTER 1712.

AN ACT to amend an act, entitled "An act for the benefit of John T. Jackson," approved March 9th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the above entitled act be so further amended as to allow the heirs and personal representatives of Mrs. Martha Alexander, deceased, to be made party or parties to the action authorized by said act; and such amendatory and supplemental pleadings as may be proper are hereby authorized to be filed in said action; and such other steps and proceedings had as may be proper to ascertain the interest and share, if any, of said heirs and personal representative, or either, in the damages suffered by the destruction of the property in said act mentioned.

§ 2. If it shall appear, on the hearing of the case in the circuit court, that the heirs and personal representative aforesaid, or either, is entitled to part of the damages, such part shall be adjudged according to the right; and when final judgment is rendered, the Auditor is authorized to draw his warrant or warrants in favor of the party or parties in whose favor the same be adjudged, for the amount or amounts so adjudged, upon production of a certified copy of such judgment; and the Treasurer is directed to pay the same.

8. This act shall be in force from its passage.

Approved March 21, 1871.

CHAPTER 1713.

AN ACT for the benefit of the Personal Representatives of Robert Foster, deceased.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that Robert Foster, deceased, late of the county of West Chester, in the State of Pennsylvania, was the owner and holder of a bond for one thousand dollars, and numbered 583, upon the State of Kentucky; and that said bond, with the coupons for interest thereto attached, have been lost, and that, by

reason of the loss of said bond and coupons, the personal representatives of the said Robert Foster have not been able to collect the interest or principal of said bond; therefore,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for the personal representatives of the said Robert Foster, deceased, to file in the Franklin circuit court a petition in equity against the Board of Commissioners of the Sinking Fund for the purpose of establishing the existence of such a bond, the ownership and loss thereof; and said court shall have jurisdiction to hear and determine said case as if it were a suit between private persons. That proof, upon the issues of fact made by the pleadings in said suit, may be introduced by either party, as is authorized by the laws of this State, and the practice of said court, in ordinary equitable proceedings in said court.

§ 2. That it shall be the duty of the Attorney General of this State to represent and defend the interests of the State of Kentucky in said suit.

§ 3. That if, upon the trial of said action, the said court shall, upon the pleadings and proofs, come to the conclusion that such a bond was ever in existence, and that it was the property of the said Robert Foster, deceased, and that the same has been lost as his property, or the property of his estate, and is still the property of his estate, to enter a judgment for the amount of said bond, in the event the same shall be found to be past due, and for the interest thereon due and unpaid, according to the tenor and effect thereof.

§ 4. That it shall be the duty of the Auditor of Public Accounts to draw his warrant upon the Treasury for the amount of the judgment of said court in favor of the plaintiff or plaintiffs, or his or their attorneys, to be paid out of any moneys in the Treasury to the credit of the Sinking Fund: *Provided*, That the plaintiff or plaintiffs shall, before any judgment shall be rendered, enter into bond, with two or more good securities, to be approved by the court, to the effect that they will pay to the Commonwealth of Kentucky any and all damages which may accrue to the said Commonwealth of Kentucky by reason of the payment of the amount of said judgment to the plaintiff or plaintiffs, or to his or their attorney; and to indemnify and keep harmless the said Commonwealth of Kentucky from any loss or damages in the event said bond, or any of the coupons thereto attached, shall hereafter be presented for payment, a copy of which bond shall be certified to and preserved by the Auditor: *And provided further*, That the plaintiffs shall pay the costs of said suit.

1871. § 5. That this act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1714.

AN ACT incorporating College Street Presbyterian Church of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. M. Cunningham, R. H. Courtney, J. T. Cooper, E. W. C. Humphrey, Hugh L. Barret, and R. S. Moxley, the present board of deacons of the College Street Presbyterian Church, of Louisville, Kentucky, the congregation of said church and their successors, be, and they are hereby, constituted a body-politic and corporate, under the corporate name of the "College Street Presbyterian Church."

§ 2. Said corporation shall have all powers and privileges ordinarily granted to corporations in this State; may make contracts, sue and be sued, acquire real and personal property as an individual might: *Provided, however,* That said real property shall not exceed two (2) acres at any one time; have perpetual succession; have a common seal, and break and alter the same at pleasure; and may do all other things incident or necessary to carry out the objects of this charter, and which are not inconsistent with the laws of this State or of the United States.

§ 3. The board of deacons of said congregation shall be elected from time to time, in such manner as said congregation shall order. The said board of deacons shall hold the real and personal property of this corporation in trust, to manage and control the same for the use and benefit of said congregation. Said property shall be used for ordinary church purposes, and for the benefit only of said congregation, which is now, and shall be hereafter, a Presbyterian Church in connection with, and under the control of, the General Assembly of the Presbyterian Church of the United States of America.

§ 4. Said board of deacons shall have full power to sell, convey, or otherwise dispose of, any and all of the corporate property of this corporation, including the lands now owned by said corporation, and re-invest the proceeds: *Provided, however,* That a meeting of the congregation of said church shall be called by public notice, given from the pulpit on Sunday morning, two weeks previous to said meeting; which notice shall state the said contemplated sale, conveyance, or disposition: *And provided further,* That three fourths of the communicating members of said church, present at said meeting, shall assent to said sale, conveyance, or disposition.

§ 5. Upon the acceptance of this charter by a majority of the communicating members of said church, the trustees now holding property for the benefit of said church shall convey the same to the then existing board of deacons, to be held by them in accordance with the terms of this charter : *Provided, however,* That if said trustees now hold any property upon other trusts besides those herein mentioned, the said board of deacons shall hold the said property subject to those trusts also. 1871.

§ 6. That the trustees of said incorporation shall have the right to issue bonds to the amount of ten thousand dollars, in bonds of one thousand dollars each, payable in ten years, bearing not more than eight per cent. per annum, payable semi-annually, for which coupons may be attached to said bonds. Said bonds shall be signed by the president of said board and countersigned by the secretary, and made payable as directed by an order of said board.

§ 7. This act shall be in force from its passage.

Approved March 21, 1871.

CHAPTER 1715.

AN ACT to incorporate the Grayson Springs and Grayson Springs Station Turnpike Road Company, in Grayson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed for the purpose of making a turnpike road from Grayson Springs to Grayson Springs Station, in Grayson county.

§ 2. That the capital stock of said company shall be twelve thousand dollars, divided into shares of fifty dollars each, and subscriptions may be received by each of the commissioners hereinafter named, for three years after the passage of this act, unless the whole amount shall be sooner subscribed.

§ 3. The following persons are hereby appointed commissioners to perform the duties required by this act, to-wit: W. S. Vanmeter, John Bray, James Patterson, C. J. Vanmeter, M. P. Clarkson, Nicholas Durbin, Isaac Pirtle, John Cabbage, E. R. Horrell, and Thos. Mulhall.

§ 4. That said commissioners, or as many of them as may act, shall procure one or more books or subscription papers, in which the persons taking stock shall bind themselves in writing to pay the Grayson Springs and Grayson Springs Station Turnpike Road Company (by which name and style said company shall be known) the sum of fifty dollars for each share subscribed by them, at such time, and in such proportions, as shall be determined by said company.

1871. § 5. That so soon as twenty-five shares shall have been subscribed in said capital stock, by individuals or corporations, the commissioners shall give ten days' notice, by posting up advertisements in the vicinity of said road, of the fact, and appoint the time and place for a meeting of the stockholders at Grayson Springs, who shall, by vote, elect a president and five managers to conduct the business of said corporation, by the name and style aforesaid. The president and managers, and all other officers of said company, shall severally take an oath before the county judge, or some justice of the peace, faithfully to discharge the duties of their respective offices. They shall, so soon as may be, proceed to locate said road, and may receive the written consent of any of the land-holders through whose lands said road may pass, and may receive the right of way, lumber, stone, gravel, soil, and timber, to make said road, and keep the same in repair, which consent, when so given, shall be valid and effectual to every intent and purpose. They shall also have the right, if necessary, to acquire the right of way and materials, by condemning the same, as conferred by the general laws of this State upon similar companies.

§ 6. That said road shall be opened and graded not less than twenty-five feet wide, and the artificial part thereof covered with stone or gravel shall not be less than twelve feet wide. The grade of said road shall be settled by the president and directors of the company.

§ 7. When said road shall have been completed, a gate or gates may be erected thereon, at which tolls may be collected; but such tolls shall not exceed the rates now allowed by law.

§ 8. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1716.

AN ACT to amend the Charter of the Bowling Green, Hartford, and Ohio River Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon a subscription of thirty thousand dollars being made in good faith of stock to the Bowling Green, Hartford, and Ohio River Railroad, said company may organize and proceed to business under their said charter and amendments.

§ 2. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1717.

1871.

AN ACT to authorize and provide for the erection of a new Court-house and Clerks' Offices in Fayette County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That F. K. Hunt, M. C. Johnson, B. F. Graves, Jno. R. Viley, H. A. Headley, Wm. Preston, Jas. A. Grinstead, John Mason Brown, J. K. Morton, B. F. Buckner, Fr. Waters, Robert Stone, Geo. W. C. Graves, William C. Goodloe, A. M. Barnes, R. S. Bullock, Jos. B. Rodes, Allie G. Hunt, J. E. Rogers, H. C. Bowman, W. R. Estill, W. T. Hughes, and D. L. Price, are hereby appointed as commissioners, charged with the erection of a new court-house and clerks' offices, sheriff's, county judge's, and other necessary offices, in the county of Fayette, with the rights, powers, duties, and responsibilities hereinafter set forth.

§ 2. It shall be the duty of the commissioners, upon a call of any two of their number, to organize, after ten days' notice of said call, under this act, by the election from their own number of the following officers, to-wit: a president, secretary, and treasurer, who shall hold their offices for the time necessary for carrying out the purposes for which said commissioners have been appointed.

§ 3. The commissioners hereinbefore named, or such of them as may act, are hereby constituted a body corporate, under the name of the Court-house Commissioners of Fayette County, with a common seal, and shall sue and be sued in their corporate name. They shall elect from their own number the officers hereinbefore provided for; and said treasurer shall, before entering upon the duties of his office, execute a bond, with one or more sureties, to be approved by the presiding judge of the Fayette county court, conditioned for the faithful discharge of his duties as such treasurer, which bond shall be recorded in the office of the clerk of the county court of said county; and the sureties upon said bond shall be worth in the aggregate the sum of one hundred thousand dollars. It shall be the duty of said treasurer to keep the money and bonds, if any, which said commissioners may receive from the county court, as hereinafter provided for, and shall pay out the same as directed by the order of said commissioners, who shall, by by-law, direct the mode in which money shall be drawn from said treasurer for the payments necessary to carry out the objects for which said commissioners have been appointed.

§ 4. The board of commissioners shall keep a record of their proceedings open for public inspection, and said records shall be evidence in all actions by and against said commissioners in their corporate capacity, in the like

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manner, and for the same purposes, as the records of all private corporations, as now provided by law.

§ 5 The said board of commissioners shall have power to pass such by-laws for their government as may be necessary to carry out the powers herein granted; and any five of said commissioners shall constitute a quorum for the transaction of business.

§ 6. Said board of commissioners shall, in the event of the levying of the tax hereinafter provided for, have the power to employ an architect, to select plans and specifications, and to contract for the erection of buildings, not exceeding in cost the sum which may be voted by the people, as hereinafter provided for; which buildings shall be used as a court-house and clerks' offices for said county; and the power to use the material of the buildings now used for that purpose in the construction of the new buildings, or to sell the same, as they shall deem best.

§ 7. Said board of commissioners shall have power to fill all vacancies occurring in the said offices hereinbefore provided, or in their body.

§ 8. It shall be the duty of the presiding judge of the Fayette county court, upon application by said board of commissioners, which application shall be made at such time as said board of commissioners shall determine as best suited to the interest of the people of said county, within ten days thereafter, to order an election to be held in said county, at such time as shall be fixed by the commissioners, upon a notice of not less than twenty days; at which election the question shall be submitted to the qualified voters of said county whether the levy of a tax sufficient to raise the sum, not exceeding one hundred thousand dollars, fixed by the commissioners, to be expended in the erection, in said city of Lexington, of suitable buildings, to be used as a court-house and clerks' offices, shall be made, and polls shall be opened at the various voting places in said county for said proposition and against it. The clerks of said election shall enter in the poll-books, under the head of "For court-house tax," the names of all those voting for said proposition; and under the head of "Against the court-house tax," the names of all those voting against said proposition.

§ 9. It shall be the duty of the officers of said election to conduct the same, in all respects, in like manner as is now prescribed by law in elections for members of the General Assembly, and to return the books of said election to the clerk of the county court of said county within the time now prescribed by law; and it shall be the duty of the officers, who are now required to certify and compare the returns for elections for members of the General Assembly, to compare and certify, to the presiding

judge of the Fayette county court, the returns of said election within the time now prescribed by law. 1871.

§ 10. If the officers, whose duty it is to compare and certify said returns, shall certify to the presiding judge of the county court that a majority of the votes cast at the election herein provided for were cast in favor of the levying of said tax, it shall be the duty of the presiding judge of the Fayette county court, upon application by said commissioners, to call the justices of the peace of said county together; and it shall be the duty of the board of said justices to levy a tax sufficient to raise the sum specified by the commissioners and voted by the people; said tax to be levied upon the property within said county subject to taxation for State revenue: *Provided, however*, That the board of said justices may, for the purpose of raising a portion of said sum, levy an additional poll-tax not exceeding two dollars per head.

§ 11. The whole sum which shall be voted by the people shall be paid over to the treasurer of said board of commissioners within three years after the levy above provided for shall be made; but it shall be discretionary with the county court to pay an amount not exceeding one half of said sum in the bonds of said county, which bonds shall be payable within a period not exceeding five years from date thereof, and shall bear interest at the rate of six per cent. per annum.

§ 12. It shall be the duty of the county court to provide suitable buildings for the holding of courts, and for the use of the clerks of said county during the time said new buildings herein provided for shall be in process of erection.

§ 13. The sheriff of Fayette county shall collect the tax above provided for, in case the same should be levied, under the same powers and responsibilities as are now provided by law for the collection of the State revenue.

§ 14. This act to take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1718.

AN ACT in relation to the Town Marshal of Hartford, in Ohio County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town marshal of Hartford, in Ohio county, shall have the same powers as an officer, that are now conferred by law upon constables of said county. All acts or parts of acts in conflict herewith are repealed.

§ 2. This act shall take effect from its passage.

Approved March 21, 1871.

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CHAPTER 1719.

AN ACT to incorporate the Town of Smith's Grove, in Warren County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That that portion of Warren county known by the name of Smith's Grove, and included in the following boundary and description, viz: Beginning at first cattle-guard on Louisville and Nashville Railroad, west of Uriah Rasdall's store; thence east to a point south of Nathan Allen's and Joel Morehead's corner, so as to include the railroad property; thence with Allen and Morehead's line north to the street between H. T. Arnold's and Sweeney's property; thence west with said street to county lane; thence with county lane south to the beginning, shall be, and is hereby declared to be, the town of Smith's Grove; and as such, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued.

§ 2. The general laws of the Commonwealth of Kentucky, contained in chapter one hundred of Stanton's Revised Statutes of Kentucky, are adopted as the laws of Smith's Grove, and the general laws upon towns are also adopted, so far as the same are applicable.

§ 3. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1720.

AN ACT to amend an act, entitled "An act to amend the Charter of the Smithfield and Ballardsville Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Smithfield and New Castle end of the Smithfield and Ballardsville Turnpike Road Company may, in their discretion, either run said road with or near the county road to New Castle, or to the turnpike leading from New Castle to Eminence, at such place as a majority of such directors may elect.

§ 2. This act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1721.

AN ACT to amend the Common School Law for the County of Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The trustees of the school districts in the county of Jefferson shall have the power, by writ of *ad quod damnum*,

to condemn ground, not exceeding two acres for each district, on which to erect school-houses and for school purposes: *Provided*, The school-house shall not be located within one hundred yards of any dwelling-house, and shall be located on a public road, or the division line of the land to be condemned.

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§ 2. Said trustees in said county shall have power to assess a tax on the real estate, within each of their respective districts, sufficient to pay for the land condemned as provided for in section 1; and also to build and furnish a school-house of sufficient capacity to accommodate the school children of said district: *Provided, however*, That a majority of the qualified voters for trustees of any such districts, at a regular election for school trustees, shall vote for the assessment of such taxes: *And provided further*, Said improvement shall not cost more than six hundred dollars in any one district.

§ 3. Where any owner or owners of land in any district shall have voluntarily contributed money to the purchase of land, or the erection and furnishing of its school-house, they shall have a credit allowed upon their tax bill for the amount so contributed.

§ 4. This act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1722.

AN ACT concerning the City Court of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the marshal of the city court of Louisville to settle with, and pay over to, the treasurer of the city of Louisville, all sums of money due said city on fines and forfeitures in said city court at least once in each month.

§ 2. It shall be the duty of said city court to cause said settlement to be made, and enforce the payment of such sum or sums as may be due the city of Louisville from said marshal at any time by rule or other summary process; or the city of Louisville may, if it elect so to do, recover said sums by action in the Jefferson court of common pleas on the bond of said marshal.

§ 3. This act shall take effect from its passage.

Approved March 21, 1871.

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CHAPTER 1723.

AN ACT authorizing the Harrison County Court to appropriate money to aid in building a bridge across main Licking at Claysville, and to levy a tax therefor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Harrison county, the presiding judge and a majority of the justices of the peace in commission being present, may appropriate such a sum of money as they may deem necessary to build, or aid in building, a bridge across main Licking river, at Claysville, in said county; and such appropriation may be made at the annual court of claims for said county, or at any other term of said court.

§ 2. The said county court may, at the same time and manner as is provided in the foregoing section, for the purpose of meeting such appropriation as they make, levy an ad valorem tax not to exceed fifteen cents on every one hundred dollars in value of the real and personal property in the county, to be estimated and ascertained by the books returned to the county court by the tax assessor for the year in which the tax is imposed and made collectable.

§ 3. Said tax shall be collected by the sheriff of said county at the same time, in the same mode, and under the same penalties, he is now required to collect the revenue tax; and he shall receive the same commission therefor, and pay the same over upon the order of said county court.

§ 4. This act shall take effect from and after its passage, and shall continue in force for two years thereafter.

Approved March 21, 1871.

CHAPTER 1724.

AN ACT to incorporate the Eminence and Smithfield Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed for the purpose of building a turnpike road from Eminence to the Shelbyville and Smithfield Turnpike Road, commencing at Eminence and running with the county road, in whole or in part, as a majority of the stockholders may direct, to the point on the above named turnpike road where the county road now intersects it.

§ 2. The capital stock of said company shall be ten thousand dollars, to be increased or diminished at the

pleasure of the company, to be divided into shares of fifty dollars each, and assignable on the books of said company. 1871.

§ 3. The books for subscription shall be opened by W. S. Prewit, J. M. Calloway, A. C. Crabb, and W. P. Crabb, who are hereby appointed commissioners for that purpose. When the sum of five thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners named in this section to give notice, in such manner and at such time as they may think proper, of a meeting of the stockholders, at such time and place as the notice may specify, for the purpose of electing a president and four directors; one vote shall be allowed for each share of stock, and the president and directors shall continue in office for one year, and until their successors are elected and qualified. The time and place of all elections after the first election shall be fixed by the president and directors; a majority of the board shall be competent to do business.

§ 4. So soon as said company is organized by the election of officers, the president and directors shall be a body-politic and corporate, in fact and in law, by the name and style of the Eminence and Smithfield Turnpike Road Company, with all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the profits thereof, and taking and holding, by purchase or gift, as may be necessary or proper for the prosecution of their work or the object of their corporation; they shall have power to contract and be contracted with, sue and be sued, in all courts of law or equity; also to use and have a common seal, and generally to do all and every act, matter, or thing, which a corporation may lawfully do to effect the object for which said corporation was created.

§ 5. Said president and directors shall fix and regulate the elevation and grade of said road, and the width of that part to be covered with stone or gravel; shall designate the place of erecting toll-gates; may fix the rates of toll; may regulate the same; but said rates shall not exceed those prescribed by general law; they shall have power, after two miles and one half shall have been completed, to erect a gate and collect tolls, and apply the same to the completion of said road.

§ 6. The president and directors, with their surveyors and engineers, artists and chain-carriers, are hereby authorized and empowered to enter in and upon the lands and inclosures, public roads and highways, in, through, and over which the intended road may pass, and examine quarries and beds of stone, and other material necessary for the construction of said road.

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§ 7. It shall be lawful for the president and directors, with their superintendents and workmen, with their tools, carts, wagons, and other carriages, and their beasts of burthen or draft, to enter upon the land in and over contiguous to which the intended road shall pass, having first given notice to the owners or occupants thereof. They shall have power to take and receive from the owners of the land the right of way over and through the lands where said road shall be located. If they be unable to procure the right of way in any instance, and cannot agree with the owner or owners of the lands through which said road is to pass, as to damages which the owner will sustain by reason thereof, then the president and directors shall apply to the Henry county court for a writ of *ad quod damnum* to assess the damages which may be sustained by the owners of said land; and upon the payment or tender of the damages assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry any stone, or gravel, or other material necessary for the construction or repair of said road.

§ 8. The president and directors shall give notice, in such manner as they may deem proper, of the amount of call on each share of stock and time of payment.

§ 9. The president and directors shall appoint a treasurer and such other officers as they may deem necessary and proper, with such compensation for their services as said president and directors may deem just, who shall hold their offices for one year (at the will of the board), and until their successors shall be appointed and qualified. The treasurer, before he enters on the duties of his office, shall give bond and security in such sum as the board may direct, payable to themselves, conditioned to pay over any and all sums in his hands to the order of the president and directors.

§ 10. As the tolls will not keep the road in repair, it shall be lawful for the stockholders and their hands, under the direction and supervision of the president of said road, to work the same under and subject to the laws now in force for the purpose of keeping dirt or county roads in repair, and shall not be required to work on any other road in the counties of Henry or Shelby.

§ 11. This act to be in force after its passage.

Approved March 21, 1871.

CHAPTER 1725.

1871.

AN ACT to amend an act, entitled "An act to authorize the Louisville Chancery Court, the Jefferson Circuit and County Courts, to increase the compensation of the Surveyor of Jefferson County in certain cases."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to authorize the Louisville chancery court, the Jefferson circuit and county courts, to increase the compensation of surveyors of Jefferson county in certain cases," approved January 28th, 1864, be, and the same is hereby, so amended, that the surveyors of Jefferson county shall be entitled to not exceeding fifteen dollars per day for surveys of lands made under order of any court, or upon the application of any person; also five dollars per lot for dividing lands; and two dollars per day for attending court to prove any survey.

§ 2. Each processioner, commissioner to divide lands, and road-viewer, shall be entitled to five dollars per day; each chain-carrier and marker shall be entitled to two dollars per day.

§ 3. That the surveyor of Jefferson county shall be authorized and empowered to administer the necessary oaths to commissioners, chain-carriers, and markers.

§ 4. That this act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1726.

AN ACT to incorporate the Peed and Johnson Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the Peed and Johnson Turnpike Road Company, for the purpose of making an artificial road from a point on the Maysville, Washington, Paris, and Lexington Turnpike Road, near Alfred M. Peed's, in Mason county, along the most practical route, to James Johnson's depot, on the Maysville and Paris Railroad, Northern Division, in Fleming county.

§ 2. That the capital stock of said company shall be fifteen thousand dollars, divided into shares of fifty dollars each.

§ 3. Books shall be opened at convenient places for the subscription of stock in said company, under the direction of A. M. Peed, R. Duncan, George Swarts, Benjamin Johnson, Dennis Burns, W. T. Burns, and James Johnson, any one of whom may procure a book in which the sub-

1871. sscribers of stock to said company shall enter into the following obligation : We, whose names are hereto subscribed, do respectively promise to pay to the Peed and Johnson Turnpike Road Company, the sum of fifty dollars for each and every share of stock in said company set opposite our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company.

§ 4. The book or books shall be opened as soon as said commissioners may think proper, and remain open until enough stock has been secured or subscribed to insure the completion of the road.

§ 5. As soon as a sufficient amount of stock has been subscribed or secured to build one half of said road, it shall be the duty of the commissioners, or some one of them, to give notice of a meeting of the stockholders of said company, at some convenient point, for the purpose of choosing officers, which shall be given by notices, posted up at three of the most public places on the line of said contemplated road, for at least ten days previous to the meeting ; and at said meeting at least two of the commissioners must be present and superintend the election. There shall be elected a president and five directors, who shall hold their office one year from the day of their election, and until their successors are duly elected and qualified. The said directors shall elect a treasurer and such other officers as they may deem necessary ; and said treasurer, before entering upon his duties, shall execute bond, with good security, to be approved by the directory, to the effect that he will faithfully perform the duties of his said office ; whenever a demand shall be made of him by the directory, in writing, signed by the president or their authorized agent, he shall pay over any and all sums of money that may be in his hands as such treasurer.

§ 6. The stockholders at all elections shall be entitled to one vote for each share of stock in said company, which vote or votes may be given in person or by proxy in writing.

§ 7. It shall be lawful for the president and directors, with their superintendent, engineers, and workmen, with their tools, instruments, carts, wagons, and other carriages, with their beasts of draught or burthen, to enter upon the lands in and over, contiguous, and near to which said road shall pass, having first given notice of their intention to the owners or occupants thereof, or their agents: *Provided*, That if the president and directors of said road shall not agree with the owners of said land over or through which said road shall pass as to the damages the owner or owners may sustain by reason of said road passing through his or their lands, the president and di-

rectors shall apply to the county court of the county in which the road is to be located, and in which the lands sought to be obtained are situated, for a writ of *ad. quod damnum* to assess the damages which may be sustained by the owner or owners of said land; and upon the payment or tender of the damages thus assessed, it shall be lawful for the president and directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction or repairing said road, after paying the owner the full value of the same: *Provided*, Said land shall not be condemned for a road more than fifty feet wide.

§ 8. The president and directors shall severally take an oath faithfully to discharge the duties of their respective offices.

§ 9. The grade of said road shall not exceed four degrees, and the stone or gravel shall not be less than fourteen feet wide, and on an average not less than nine inches deep; the width of the road-bed, outside of the metal on the same, shall be left to the discretion of the directory of said road.

§ 10. That the president and directors of said road shall be authorized to erect a toll-gate on said turnpike road when the same is completed and examined by three justices of the peace in no way interested in the road, and who shall be appointed by the judge of the county court of the county in which that portion of the road lies which is to be examined, who, with the aid of some competent person as engineer, shall view the road, and report its quality and condition to their respective county courts; the justices and engineer shall be paid, each, by the company, one dollar per mile for every mile so examined. Upon hearing the said report, and any exceptions or proof that may be made in relation thereto, and upon its appearing that the said road has been constructed according to law, and as directed herein, the court or courts shall make an order authorizing the erection of a gate or gates, and the collection of tolls in pursuance of the rates established by law.

§ 11. That the president and directors shall have power to let out said road to contractors on such terms, and in such portions, as they may deem beneficial to the interests of the said company.

§ 12. That said company may sue and be sued, plead and be impleaded, contract and be contracted with, and in all litigations shall be dealt with as a natural person.

§ 13. That any of the stockholders in said road company failing to pay their calls when due, shall be subject to suit in any of the courts of this Commonwealth having

1871. jurisdiction of the matter or amount in controversy; they shall likewise pay interest at the rate of six per cent. per annum thereon until paid.

§ 14. It shall be the duty of the president and directors to keep a record of their proceedings in a well-bound book, and the same shall be open for inspection by the stockholders in said road at all times.

§ 15. This act shall take effect and be in force after its passage.

Approved March 21, 1871.

CHAPTER 1727.

AN ACT for the benefit of the Southern Stock-yard Company.

WHEREAS, The Southern Stock-yard Company was organized on July 14th, 1870, under and in pursuance of the provisions of an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to provide for the organization and regulation of incorporated companies, except banking, insurance, and railroad companies," approved March 15th, 1870, for the purpose of carrying on a general stock-yard business in the city of Louisville, Kentucky; and whereas, said company desire to have additional rights, privileges, powers, and authority conferred upon them; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the rights, privileges, franchises, and immunities now held, possessed, and enjoyed by the Southern Stock-yard Company, under and in pursuance of their organization as above set forth, it shall have the right, power, and authority to buy additional real estate in or near the city of Louisville, not exceeding ten thousand dollars in value; to erect houses, sheds, &c.; and to buy, erect, and put up all machinery and other things necessary and proper for the slaughtering, packing, and sending off hogs, sheep, cattle, &c.; and to sell and dispose of the product or products of the same.

§ 2. That for the purpose of raising money to enable them to make the purchases, erect the buildings, and carry out the provisions of section first, said company may issue and sell, not exceeding fifteen thousand dollars in amount, of bonds of said company, having not more than ten years to run, and bearing interest at a rate not exceeding ten per cent. per annum, payable semi-annually. The punctual payment of the principal and interest of said bonds may be secured by mortgage or deed of trust upon the whole, or any part of, the franchises, property, and effects of said company.

§ 3. This act shall be and go into effect when accepted by a vote of a majority of the stock cast at a meeting of the stockholders called for that purpose.

1871.

Approved March 21, 1871.

CHAPTER 1728.

AN ACT to prevent the destruction of Birds in Jefferson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be unlawful for any one to shoot, trap, or otherwise destroy any forest or field birds in the county of Jefferson.

§ 2. That any offenders under the first section of this act may be proceeded against as for a misdemeanor before any justice of the peace in and for said county; and upon conviction, shall be subjected to a fine of not less than five nor more than twenty-five dollars for each offense.

§ 3. Nothing in this act shall be so construed as to prevent persons from shooting quails, and wild ducks and pigeons during the proper season (from the 15th day of October to the 1st day of February), and snipes from the 1st day of February to the 1st day of June.

§ 4. This act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1729.

AN ACT to amend an act, entitled "An act to incorporate the High Grove and Sayre's Depot Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the High Grove and Sayre's Depot Turnpike Road Company," approved February 13th, 1868, be, and the same is hereby, amended as to authorize said company to extend the road authorized to be constructed under said charter, to intersect the Bloomfield and Fairfield Turnpike Road near Posey Grant's mill-dam, on the east fork of Cox's creek.

§ 2. That hereafter the corporate name and style of said corporation shall be the High Grove and Deatsville Turnpike Road Company.

§ 3. This act shall be in force from its passage.

Approved March 21, 1871.

1871.

CHAPTER 1730.

AN ACT for the benefit of School District No. 9, in the County of Hancock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant on the Treasurer in favor of the commissioner of common schools for Hancock county, for the amount that school district No. 9, in said county, should have drawn for the years 1868 and 1869; said district not having been reported for said years. Whenever the order of said commissioner therefor, countersigned by the Superintendent of Public Instruction, shall be presented to said Auditor, said amount shall be paid out of any surplus due the county of Hancock, or out of the bond fund of said county.

§ 2. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1731.

AN ACT to amend the Charter of the Town of Carrollton, in Carroll County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Carrollton, in Carroll county, be, and the same is hereby, so amended, that it shall be lawful for the trustees of said town, a majority agreeing thereto, to submit to the voters of said town, at the May election, the question of subscribing stock to turnpike roads; and if a majority of the qualified voters voting at such election, shall be in favor thereof, the said trustees shall be authorized to subscribe stock in such road or roads: *Provided, however,* The amount so subscribed shall not exceed an amount to be named in the order submitting the question to the people.

§ 2. That said trustees shall have power to impose a sufficient ad valorem tax, upon the property subject to taxation in said town, to pay the amount of stock subscribed, as hereinbefore authorized.

§ 3. That this act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1733.

1871.

AN ACT for the benefit of John M. Fish, of Rockcastle County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasury in favor of John M. Fish, of Rockcastle county, for the sum of twenty-eight dollars and sixty cents, to be paid out of any money in the Treasury not otherwise appropriated, as compensation for expenses incurred in conveying G. S. Hunt, a pauper lunatic, from said county to the lunatic asylum at Lexington.

§ 2. That this act take effect from its passage.

Approved March 21, 1871.

CHAPTER 1734.

AN ACT to authorize John B. Goff to erect a boom across Big Creek, in Martin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John B. Goff, of Martin county, Kentucky, be, and he is hereby, permitted to erect and keep across Big creek, in Martin county, Kentucky, at or near its mouth, a boom, for the purpose of catching, securing, and keeping such loose saw-logs as may come against it; and for each saw-log so caught, kept, and secured by said Goff, he is authorized to charge the owner thereof the sum of fifteen cents, and a lien is hereby created in his favor upon all such logs so caught for the amount of boomage due under the provisions of this act.

§ 2. Before erecting said boom, the said Goff is required to execute, before the judge of the Martin county court, a bond, with approved surety, conditioned that the said Goff shall pay any person injured, by any neglect in keeping said boom, any damages which they may sustain by reason of said neglect.

§ 3. This act to take effect from its passage.

Approved March 21, 1871.

1871.

CHAPTER 1735.

AN ACT for the benefit of Toll-gate Keeper in Josh Bell County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the toll-gate keeper on the Wilderness Turnpike Road, in Josh Bell county, shall have full power to move the toll-gate on said road to Pineville on same, or anywhere it may be most convenient to him, between Polley Moore's and Pineville, on said road.

§ 2. This act to take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1736.

AN ACT appropriating certain Lands to the County of Pendleton.

WHEREAS, There are thirteen acres of land belonging to the State of Kentucky lying in Pendleton county, at lock No. 5, worth about two hundred and sixty dollars, and the said county of Pendleton is now making an effort to build turnpikes in said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said land at lock No. 5, in said county, be, and the same is hereby, appropriated and given to said county of Pendleton, to be used and expended in building a turnpike in said county.

§ 2. That Jesse Colbert, A. J. Hobbs, and Jos. J. Bonor, shall be a board of commissioners, to see that the land at said lock No. 5 is applied and properly used for the purposes herein contemplated; and the said commissioners shall be, and are hereby, authorized and empowered, under the direction and with the approval of the presiding judge of the county court of said county, to sell and convey said land, or any part thereof, by deed of general warranty or otherwise.

§ 3. This act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1737.

AN ACT to incorporate the New Haven and Howard's Mill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph Howard, Park Cameron, James Boon, William Boon, Lucratius Blanton, W. S. Ford, Silvester

Johnson, and J. M. Atherton, and their associates and successors, are created a body-corporate and politic, under the name and style of the New Haven and Howard's Mill Turnpike Road Company. Said company shall have power to sue and be sued, contract and be contracted with, and hold, possess, sell, convey, real and personal estate, not exceeding the sum of forty thousand dollars.

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§ 2. The capital stock of said company shall be forty thousand dollars, and divided into shares of fifty dollars each. The incorporators shall, from their number, select four commissioners, two of whom shall open books for the subscription of stock at New Haven, and the other two at Howard's Mill, on or before the 1st day of May, 1871, and the subscribers thereto shall sign and enter into the following obligation: We, whose names are hereunto subscribed, do respectively promise to pay to the president and directors of the New Haven and Howard's Mill Turnpike Road Company, the sum of fifty dollars for each share of stock set opposite to our names, in such proportions, and at such time and places, as the president and directors may require.

§ 3. The stockholders subscribing and the commissioners may make any special agreement for the stock to be paid in work, or part work and part money, and when and in what amount the money shall be paid, or the work done.

§ 4. As soon as three thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners to give notice in writing to the stockholders for a meeting, at such time and place as they may designate, for the purpose of electing a president and five directors, the said officers to be elected from the stockholders; and one vote shall be allowed for each share of stock; and the said officers shall continue in office for one year, and until their successors are duly elected and qualified. A majority of the directors shall be competent to transact business.

§ 5. So soon as said company is organized by the election of officers, said officers shall possess all the powers, rights and privileges, and shall and may do all acts and things necessary for laying out and making survey of the most practicable route for said road, and for carrying on and completing said road.

§ 6. The president and directors shall fix and regulate the elevation and grade of said road, the width thereof to be covered with stone or gravel, and the width of that part to be graded, and not covered with stone or gravel: *Provided*, The width to be covered shall not be less than eight feet, and the entire width of the road shall not exceed fifty feet.

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§ 7. The president and directors shall appoint a clerk and treasurer, the former of whom shall keep, in a well-bound book, a record of all the proceedings of said board, which shall at all times be open to the inspection of any stockholder. The treasurer shall be required to enter into bond, with good security, payable to the president and directors, conditioned on the faithful discharge of his duties as treasurer, and that he will pay over any money in his hands to the order of the president and directors of the road; and suit may be brought on said bond in the name of the president and directors for any neglect of duty, or any default of said treasurer, in any court having competent jurisdiction.

§ 8. The president of said board, or if he resign, a majority of the directors, may call meetings of the board, at such times and places as he or they think proper; and if called by the directors, there being no president, said directors shall proceed to elect a president to serve during their term of office. The proceedings of said board at each meeting shall be signed by the president, or presiding officer for the time being; and they may adjourn from time to time.

§ 9. The board of directors shall have power to agree and contract with and appoint all such surveyors, engineers, superintendents, and workmen, as they deem necessary; to establish rules and by-laws for their board, and for the construction and operation of said road; to establish toll-gates, and fix the rate of toll, not to exceed the rates fixed by general law of the State regulating tolls on turnpike roads; to appoint toll-gate keepers, and fix their salaries; to build bridges; and to collect the stock subscribed; and if any stockholder shall refuse or neglect to pay his proportion of such stock for the space of twenty days, after having been notified by the president to pay the same, he shall be liable to suit by warrant before a justice of the peace, or in the quarterly or circuit court, for the amount due, with interest at 6 per cent. per annum from the time of the call for its payment; and if the stock subscribed is to be paid in work, the subscriber failing to do the work as agreed, or if no time is specified, in twenty days after notified by the president, he shall be liable to same proceeding as if he had subscribed stock to be paid in money; and in the event that the corporation fails to collect the installment called for, or to secure the work agreed to be done, the whole amount that shall have been paid in said share shall be forfeited.

§ 10. The president and directors shall deliver a certificate, signed by the president and countersigned by the treasurer, to each stockholder for each share by him held, which certificates shall be transferable on the books of

said board by order of such stockholder, in person or by attorney in fact; but no share shall be transferable until the full amount of such share shall have been paid and received, the receipt in full on the back, signed by the president and countersigned by the treasurer; and on the transfer the old certificate shall be surrendered and a new one issued to the purchaser, who shall have all the rights of the original holder.

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§ 11. The board of directors may commence work on the road at any time after their organization they deem proper; and may limit the stock to be issued to any sum they shall deem sufficient for the purposes authorized in this act; which sum shall be agreed to by a majority of stockholders, and entered on the book of record of said board.

§ 12. The company, through their directors, shall have power to occupy, use, and own any county road, or any part thereof, between the termini of the road to be built, as they need in the construction of the turnpike road; and may gravel or macadamize any part thereof as a part of the turnpike road. Said company may also go upon any land or inclosures, contiguous to their road, to examine any lands, quarries of stone, or other material necessary for the construction or use of said road; and if the directors and owner of the land or material cannot agree as to price of said land and material, application on behalf of the company shall be made to the county court of the county in which the land or material is situated for a writ of *ad quod damnum* to assess the damages to the land or value of material to be used; and the jury, in assessing the damages, shall take into consideration the advantages and disadvantages resulting to the party claiming the damages; and upon the payment or tender of the damages, the company may open and make said road, and dig and carry any stone, gravel, or earth, or other material necessary for the construction or repairing of said road.

§ 13. That when any continuous section of two and a half miles of said road shall have been completed, the directors shall have power to establish a toll-gate and collect one half fare—that is, one half the amount due for five miles, and a gate every five miles on completion of the road; and if a bridge is built over the Rolling Fork, the gate nearest thereto shall be allowed to charge double toll; but if not built, the impossibility of crossing said stream shall not prevent the collection of tolls over the road.

§ 14. That the county court of Nelson county may subscribe not more than five hundred dollars per mile to each mile of said turnpike within said county, in the same manner as has heretofore been done under the law approved March 8, 1867, providing for subscription by said county to turnpike roads organized within the limits of said county:

1871. *Provided*, That the money so subscribed by said county shall be used in building that part of the road within its limits, and not elsewhere.

Approved March 21, 1871.

CHAPTER 1739.

AN ACT for the benefit of Park's Ferry and Carlisle Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be lawful for the presiding judge of the Nicholas county court to subscribe to the capital stock of the Carlisle and Park's Ferry Turnpike Road in such amount as will be sufficient to discharge the indebtedness of said road company now subsisting, and to complete said road: *Provided*, That said subscription by the said presiding judge shall not be made, except upon the condition that the private stock now owned in said road be surrendered and transferred to the Nicholas county court for the benefit of said county.

§ 2. That upon such subscription of stock being made by said presiding judge, it shall be his duty to levy a tax upon the taxable property of the county of Nicholas, subject to taxation for State revenue purposes, to pay the said stock; and said tax shall be collected and accounted for by the sheriff of the county, who is invested with the same powers and authority to make such collections as sheriffs now have to collect the State revenue.

§ 3. Upon the county of Nicholas becoming the sole owner of said road under the provisions of this act, it shall be lawful for said county judge to appoint a superintendent of the road, and fix his compensation, as also toll-gatherers and such other agents as the interests of the county may require in the management of the affairs of the road.

§ 4. It shall be lawful for the said presiding judge to have a half-gate erected upon said road at some point within two and a half miles of its eastern terminus: *Provided*, Said half-gate shall not be erected until the road is completed; by a half-gate is meant a gate at which but half the rate of toll charged for five miles of travel on the road shall be charged.

§ 5. This act shall take effect from and after its passage.

Approved March '21, 1871.

CHAPTER 1740.

1871.

AN ACT to authorize the County Court of Scott County to increase its subscriptions to Turnpike Roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Scott county is hereby empowered and authorized to subscribe and take stock, to the amount of one thousand dollars per mile, in all turnpike roads hereafter built and constructed in said county.

§ 2. This act shall not take effect until it shall be submitted at some regular election for said county, and ratified by a majority of the qualified voters voting at such election.

Approved March 21, 1871.

CHAPTER 1741.

AN ACT to incorporate the New Castle and Bethlehem Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name and style of the New Castle and Bethlehem Turnpike Road Company, for the purpose of building a turnpike road from New Castle to Bethlehem, commencing at New Castle; thence by Levell's mill, and near the division line of A. H. Ditto and R. P. Samuels and Mrs. Rankins', to the Lockport road; and thence to Bethlehem on the most practicable route.

§ 2. Books for the subscription of stock may be opened by A. H. Ditto, R. P. Samuels, J. Kelly, J. W. Levell, or any two of them; and when they shall have stock enough subscribed to build one mile of said road, the stockholders shall meet and elect a president and three directors, who shall have all the powers and privileges conferred upon them for the purpose of building said road that is granted to the president and directors of Mount Gilead and Campbellsburg Turnpike Road.

§ 3. Whenever one and one half miles of said road is built, the company may erect a toll-gate, and charge toll, not to exceed that now allowed by law.

§ 4. This act to take effect from its passage.

Approved March 21, 1871.

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CHAPTER 1742.

AN ACT to repeal section six of an act, entitled "An act to amend the Charter of the Ashland and Catlettsburg Turnpike," approved February 3, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six of an act, entitled "An act to amend the charter of the Ashland and Catlettsburg Turnpike Company," approved 3d February, 1871, be, and the same is hereby, repealed.

§ 2. This act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1743.

AN ACT to incorporate the Barren River Lock and Dam Company.

WHEREAS, Barren river, above slack-water, is not navigable in fact except in high rises; and whereas, the convenience of the public, and the common interest of the country in which it is located, will be greatly advanced by the construction of an additional lock and dam on said river, so as to extend navigation to points above the present slack-water; and also to furnish water-power at said dam, which would be of great advantage to the country in its vicinity; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. C. Underwood, T. B. Wright, H. H. Skiles, E. B. Seeley, Jno. E. Robinson, W. S. Vanmeter, C. J. Vanmeter, Wm. Brown, Samuel W. Coombs, Jno. V. Sprowle, C. G. Smallhouse, and W. H. Payne, be, and they are hereby, created a body-corporate, under the name and style of the "Barren River Dam Company," with authority to associate such persons with them as may choose to subscribe stock in said company; and said company, in its corporate name, may sue and be sued, may have a corporate seal, and change the same at pleasure, and transact all the legitimate business of said company.

§ 2. The incorporators herein named, or any one or more of them, may open books and take subscription of stock in said company in shares of one hundred dollars each, and each share to be represented by one vote, to be voted by the owner thereof or by proxy. But no books for that purpose shall be opened until thirty days' notice thereof shall first be given in some public newspaper, giving notice of the time and place of opening said books; and no individual or party shall be allowed to take or subscribe for more than seventy-five shares each until said

books shall have remained open at least ten days, so as to prevent a few from taking the whole stock to the prejudice of others desiring to subscribe; and if the whole stock required shall not be taken in ten days, the books may remain open till all shall be taken, and may be closed when it may be thought a sufficient amount to do the work shall have been subscribed.

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§ 3. The capital stock of said company shall be the amount subscribed, and shall not exceed two hundred thousand dollars; and whenever fifty thousand dollars of said stock shall have been subscribed, the company may organize by the election of a president and five directors, who shall hold their office one year, and shall be elected annually; but in case of failure of election at the time required, each officer may continue to hold his office till his successor shall be elected by the company; but no person shall be a member of the company except stockholders, nor shall any office be filled by persons not members of the company.

§ 4. Upon organization as aforesaid, or thereafter, said company may proceed to build a lock and dam in Barren river, at the head of slack-water, anywhere between the Double Springs and the mouth of Jennings' creek, on said river, in Warren county, so as to extend slack-water navigation further up said river; the navigation thereof to be open to all things, and everybody desiring to navigate said river; the lock to be not smaller than those now in use in Green and Barren rivers.

§ 5. Said company building said lock and dam shall have the right to control the same, and shall have all the profits thereof, including the tolls and water-power, subject to the restrictions only of this charter, and subject to the rights of others to navigate the river and pass said lock and dam, under such regulations as are prescribed herein, and such as the company may make, not inconsistent with this charter. Said lock and dam, and the privileges herein granted, shall be a property vesting in the company for ninety-nine years.

§ 6. While the rights of others to navigate said river shall not be prohibited, nevertheless, in consideration of building said lock and dam, the company may charge and collect tolls upon all persons, boats, rafts, and crafts of every description passing through said lock, at rates not exceeding those now allowed by law to be charged at lock No. 3, on Green river; and said tolls may be collected as said other tolls are collectable; and for the protection of the works and the rights of the company, the same rules and regulations allowed by law respecting the Green and Barren river line of navigation, and respecting the locks and dams on said line, shall apply to

1871. the lock and dam herein authorized to be constructed, and shall apply to Barren river as far up as said lock and dam will extend slack-water navigation.

§ 7. Said company may procure and hold such real estate on one or both sides the river at said lock and dam as may be necessary, not exceeding five acres on each side of said river, and in such shape as they may need it, for the purpose of constructing said lock and dam, and abutments, water-powers, and aqueducts, houses, machine-shops, and factories, necessary in connection with the use of the water-power aforesaid, and for the purpose of the company in the management of their work and business authorized by this charter; and, if necessary, said real estate may be procured under the ordinary form of writ of *ad quod damnum*, as, for example, is provided in the charter of the Louisville and Nashville Railroad Company.

§ 8. The object of this charter being to increase and extend the facilities of navigation, and at the same time to make water-power for the use of the company, and for the convenience and advantage of the public, the said company, to reward them for their work and capital expended, are further authorized to sell or lease said water-power, or to use the same for the purposes of machinery, as they may choose; and whatever machinery they may so employ shall be held by the company as a corporation aforesaid, or they may sell or lease the same, as also their said lock and dam, and their franchises, as by a majority of the company they may elect; and any member may sell or otherwise dispose of his stock in said company, which shall pass by assignment.

§ 9. Said company may receive subscriptions in money, notes, bonds, securities, or other property, for the purposes of said enterprise, either as donations or otherwise, as may be agreed by them with any party making the subscription; and, if necessary, may issue bonds, borrow money, and pledge the property of the company, as by mortgage, as security therefor; said bonds payable within thirty years, with interest not exceeding ten per cent. per annum, in the form of coupons attached to the bonds, payable semi-annually at Louisville, Kentucky.

§ 10. The company may make by-laws for their government, not inconsistent with this charter or with the laws of the land; and in all instances where rights are herein conferred upon the company, the most effective remedies are also intended to be given for their enforcement.

§ 11. Upon organization of the company as aforesaid, the rights, privileges, and franchises herein created shall

be vested in said company as a corporation, and shall not be impaired by subsequent legislation.

1871.

§ 12. The company shall commence the work in good faith within one year after a sufficient amount of stock shall have been subscribed to finish said lock and dam; and their works in process of construction shall not be taxable for county, town, or State purposes, until the same shall be finished.

§ 13. The General Assembly retains to itself the power to regulate the tariff of tolls under this act.

§ 14. This act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1744.

AN ACT to amend the Charter of the Richmond and Big Hill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Richmond and Big Hill Turnpike Road Company be, and is, so amended as to empower the directors of said road to relinquish one fourth of a mile of their road, lying within the town of Richmond, to the corporate authorities of said town, on such terms as may be agreed on by said directors and the trustees of said town.

§ 2. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1745.

AN ACT authorizing the County Court for the County of Muhlenburg to release James O. Moorman from his bond, whereby a negro girl, Caroline, was apprenticed to him.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court for the county of Muhlenburg is hereby authorized to release James C. Moorman from his bond, executed in said court, whereby a negro girl, Caroline, was apprenticed to him, if it shall be made to appear to said court that equity and justice to both the master and apprentice require it.

§ 2. This act shall be in force from its passage.

Approved March 21, 1871

1871.

CHAPTER 1746.

AN ACT to authorize and empower certain persons to close the Harrodsburg and Madison State Road, in Henry County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas Buford, N. J. Moore, Joseph Baker, John Middleton, and Wm. Shival, be, and they are hereby, authorized and empowered to close up so much of the Harrodsburg and Madison State Road, in Henry county, as lies between the track of the Louisville, Cincinnati, and Lexington Railroad and the Frankfort and Madison State Road.

§ 2. This act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1747.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in the Town of Campbellsville, Ky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be unlawful for any person or persons to sell by retail, or otherwise, any spirituous, vinous, or malt liquors in the town of Campbellsville, Ky., or the mixture thereof, within the corporate limits of said town, or within one mile of the town limits: *Provided*, This act shall not be construed so as to interfere with the sale of such liquors for medical purposes as now regulated by general law.

§ 2. That all laws now in force authorizing the trustees of said town, or the presiding judge of Taylor county, to grant license to coffee-house keepers or hotel-keepers, in the town of Campbellsville, for vending ardent spirituous liquors, are hereby repealed: *Provided*, This act shall not be construed so as to interfere with the rights of any person now authorized by license to vend ardent spirits.

§ 3. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1748.

1871.

AN ACT for the benefit of the Minerva and Beasley's Creek Church Turnpike Road Company, in Mason County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter Benjamin Kirk, Louisa Claybrook, Abram Bledsoe, Theodore Bledsoe, James Reynolds, Frank Reynolds, James O. Pickett, Osborn & White, and Nicholas Wolfe, shall work out their road tax upon the Minerva and Beasley's Creek Church Turnpike Road, to assist in keeping it in repair, under the superintendence of the president and directors thereof.

§ 2. That it shall be the duty of the president to give at least three days' notice to each of said persons owing tax or labor on said road of their intention of working the same; and upon the failure of such persons so notified to attend and work out said tax, the president of said road may sue for and recover the same, and shall appropriate it to the repairs of said turnpike road; and said persons shall be released from all other road tax, and from working on any or all other roads.

§ 3. This act shall take effect and be in force from its passage.

Approved March 21, 1871.

CHAPTER 1749.

AN ACT for the benefit of John E. Walton, of Boone county.

WHEREAS, The sheriff of Kenton county collected of John E. Walton thirty-nine dollars, as damages assessed against him on account of his failing to pay his taxes at the proper time, for the years 1868 and 1869; and whereas, it has been made to appear to this General Assembly that the said Walton is a punctual tax-payer, but failed to pay this tax from the fact that he lived in Boone county, and the piece of land on which this tax was assessed lay half in Boone and half in Kenton, and he thought that he had given it in in Boone with his other lands, and had paid the taxes thereon when he paid his other taxes, until he accidentally met the sheriff of Kenton, and was informed by him that he held a tax claim against him, when he immediately paid it, together with damages; now, therefore, he asks that the damages be returned to him, or at least that portion thereof which will remain after deducting from it the interest accruing on the amount of his taxes for the time that the money was withheld from the State; now, for remedy whereof,

1871. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of John E. Walton for the sum of thirty-five dollars, in consideration of money collected from him by the sheriff of Kenton county as damages.

§ 2. This act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1750.

AN ACT for the benefit of Pope & Camp, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Jefferson county is hereby authorized and directed to pay Messrs. Pope & Camp, of the city of Louisville, the sum of five hundred (\$500) dollars for legal services rendered in the case of the Commonwealth vs. Daniel McAlister's estate, to be paid out of the money recovered, and to be collected by said sheriff in said case.

§ 2. This act to be in force and effect from its passage.

Approved March 21, 1871.

CHAPTER 1751.

AN ACT authorizing the Washington County Court to levy an ad valorem tax of not exceeding twenty cents on the one hundred dollars, to pay the indebtedness of the county on account of Turnpike Roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court for the county of Washington, a majority of the justices of the peace for said county being present and concurring therein, are hereby authorized to levy an ad valorem tax, not exceeding twenty cents on each one hundred dollars' worth of taxable estate in said county liable to taxation for State revenue purposes, which shall be used by said court in the payment of the indebtedness of said county on account of turnpike roads; said tax shall be collected in the same manner, and at the same time, that the State revenue is collected: *Provided*, Said tax shall not be levied and collected for a longer space of time than one year.

§ 2. This act to be in force from and after its passage.

Approved March 21, 1871.

CHAPTER 1752.

1871.

AN ACT to Charter the Lagrange and Brownsboro Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and the same is hereby, incorporated, to construct a turnpike road from the town of Lagrange, in the county of Oldham, to a point at or near Rankin's gate, on the Brownsboro Turnpike, in said county; the said company is hereby created a body-corporate and politic, under the name and style of the Lagrange and Brownsboro Turnpike Company; and by said name and style shall have perpetual succession; and as such is hereby invested with all the powers, capacities, privileges, franchises, and immunities which belong to and are enjoyed by any similar corporation in this State, created for similar purposes.

§ 2. The capital stock of said company shall be twenty-five (\$25,000) thousand dollars, in shares of one hundred dollars each, unless the road is completed for a less sum, in which case the actual amount the road costs shall [be] the capital stock, for which subscriptions may be made, from time to time, by persons, or other corporations, upon the books of said company. It shall be lawful for said company to enter into any contract or contracts, with other persons, by which the company may procure any stipulated part or portion of said road to be constructed for an agreed amount of the capital stock in said company, or for a part in stock and part in money; and any contract or agreement which the company may thus enter into shall be enforceable in any court of this State having jurisdiction thereof.

§ 3. That Wm. Leet, Joseph Carter, John Fields, Robert Sherley, and Simeon Leet, be, and they are hereby, appointed commissioners, whose duty it shall be to open books for the subscription to the capital stock of said company; and they shall take all necessary steps towards a full organization of said company according to the provisions of this charter.

§ 4. The said commissioners, or a majority of them, shall constitute a board to transact business, and are hereby invested with all the powers conferred by this act until a regular board of directors shall have been elected by the stockholders in said company. After sufficient stock has been subscribed to make two miles of said road, the commissioners shall, by written notices posted along the line of said road, fix the time and place of the meeting of the stockholders to elect five (5) directors, who shall hold their office for two years, and until their successors are elected and assume their duties; said directors shall elect one of their number president of their board;

1871. and the directors thus elected, and their successors, shall manage and control the business of the road. A majority of them shall constitute a board to transact business, and shall have power to fill vacancies until the next general election of directors, which shall take place once in every two years, the time and place being fixed by the board of directors, who shall give written notice thereof by publicly advertising the same.

§ 5. That subscriptions to the capital stock of said company must be in writing, and shall be due and payable at such times, and in such proportions, as the board of directors shall require.

§ 6. The width of the road shall not be less than forty feet; the width of the metal and grading and the depth of the metal and degree of the grade and the location of the road, shall be fixed and determined by the company.

§ 7. That said company shall have the right to proceed to the construction of said road when sufficient stock has been subscribed to build two (2) miles thereof; and when a section of two and one half miles of said road is completed and ready for travel, it shall be lawful for said company to receive and collect tolls thereon according to the scale of charges now allowed by chapter 103, Revised Statutes of Kentucky, viz: one half the charges allowed for a full gate of five miles; and when said road is completed, or five miles thereof, then the said scale of charges laid down in said chapter shall govern the collection of tolls thereon. The said company may erect a gate on said road when said section of two and a half miles is completed; said gate shall not be in less than one half mile of Lagrange.

§ 8. The said board of directors shall have power to make such by-laws as are necessary for the management of the business of the company, and may declare dividends at such times and in such amounts as may seem to them proper; and may appoint such officers and agents as may seem to them necessary for the transaction of the business of the road.

§ 9. The said board of directors may submit to the owners of the land along the proposed lines of said road a proposition to tax all lands lying parallel to the said proposed line or lines of said road, and within two miles thereof; said tax to be not more than two dollars per acre on every acre of land within one mile of said proposed line or lines of said road, and not more than one dollar per acre on every acre of land lying more than one mile from and less than two miles from said proposed line or lines of said road; and if a majority of said land-owners agree thereto, then said tax shall and may be levied and collected by such person as may be appointed

by said board; sufficient notice shall be given of such proposition by publicly advertising the same by written notice thereof; said written notice to specify the amount of tax per acre, and the place and time of voting thereon; said polls to be opened and held by a justice of the peace for Oldham county, whose certificate shall be conclusive of the acceptance or rejection of the proposition. The owners of said lands, excepting infants, shall have the right to vote thereon. If said proposition be accepted, the amount of said tax shall be applied to the construction of said road, and certificates of stock shall be issued to those paying the said tax in the proportion of one share of stock to every one hundred dollars so paid. The said board may propose to said land-owners any other tax per acre, not exceeding the two dollars per acre aforesaid.

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§ 10. That sections two, eight, eleven, and twelve of the act to charter the Benson Turnpike Road Company, approved January 15th, 1870, so far as the same can be made applicable, shall apply to, and be a part of, this act.

§ 11. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1753.

AN ACT to incorporate the Falls City Tobacco Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. C. DeMoss, E. D. Standeford, Thos. H. Hays, Lyttleton Cooke, John S. Cain, Charles M. Johnston, and William F. Barret, and their successors, be, and they are hereby, created a body-corporate and politic, under the name and style of the Falls City Tobacco Manufacturing Company; and they shall act as a board of directors for said company, to serve as such until others are duly elected and qualified; and should any of the persons above named fail or refuse to qualify and serve as directors, his or their place or places may be declared and treated as vacant, and the vacancy may be filled by the remainder of the board; and all vacancies occurring in the board of directors may be filled in like manner; and the board of directors shall provide for an election of directors by the stockholders, within one year from the organization of the company, and every year thereafter, at the office of the company in the city of Louisville, notice of which shall be given to all stockholders; said election to be held under such regulations as the board may prescribe in their by-laws.

§ 2. Said corporation shall have power to manufacture tobacco in all its branches, and deal in leaf and manufac-

1871. tured tobacco generally for the said corporation, and for others, with all other powers incident to manufacturing corporations existing under act of the General Assembly of the Commonwealth of Kentucky.

§ 3. They may issue stock in shares of one hundred dollars each, to the amount of one hundred thousand dollars ; and they may also issue bonds, bearing interest at the rate of ten per cent. per annum, to the amount of fifty thousand dollars.

§ 4. Said corporation may hold a lien upon their stock for any debts due said corporation, from security or otherwise, by any of its stockholders.

§ 5. The board of directors of said corporation may elect a president and such other officers as they may desire, and pay them such sum or sums for services as they may agree upon ; and in all elections by the stockholders, each stockholder shall be entitled to one vote for each and every share he may own ; and they may adopt by-laws for their own government.

§ 6. The officers elected by the board shall serve one year, or until their successors are elected and qualified.

§ 7. This act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1754.

AN ACT for the benefit of Martin Rice, of Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasury, in favor of Martin Rice, of Hopkins, for forty-two dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1755.

AN ACT to incorporate the Glasgow Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel H. Boles, James Boles, T. M. Dickey, L. W. Porter, M. H. Dickinson, Wm. Dickinson, C. L. Hill, Wood Shobe, V. H. Jones, J. S. Bohannon, Tom Jones, and their associates, or any five of them, be, and they are hereby, created a body-politic and corporate,

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under the name and style of the Glasgow Cemetery Company; and by that name said company shall have perpetual succession; and shall be able and capable in law to have and use a common seal; to sue and be sued, plead and be pleaded, defend and be defended, in all courts of this Commonwealth and elsewhere; they shall have power to purchase any quantity of land in Barren county, not exceeding one mile in distance from the town of Glasgow, and not more in quantity than one hundred acres, and receive a conveyance therefor, with such covenant of warrant as they may deem proper. The land and appurtenances, when conveyed to said company, shall be held solely and exclusively for a cemetery, and ornamental grounds connected therewith, and shall never be alienated, sold, or used for any other purpose whatever; but the company may permit their superintendent or other officers to use any portion of their grounds, not sold for burial lots, for horticultural purposes; but the same shall not be used in a manner inconsistent with the reverence and respect due to the cemetery of the dead; the grounds, fixtures, shrubbery, and everything growing thereon, shall be exempt from taxation; and after the grounds shall be fully paid for, no part thereof shall ever be subject to sale by virtue of mortgage, judgment, execution, or decree, for any cause whatever; no road or other passway, shall ever be opened through said grounds, unless by consent of said company; and shall not, in any event, pass over or interfere in any way with any lot which may have been sold by said company for burial purposes; the said company may take and receive, by gift or devise, any land, or other property, to be held or appropriated to the ornamenting, improving, or extending the grounds of the company, subject to the restriction aforesaid; and may vest in State or county bonds, stock, or loan any spare funds they may at any time have; but shall never exercise any banking powers.

§ 2. That within one year after the passage of this act the persons named in the preceding section, or any (5) five of them, shall cause books to be opened, in the town of Glasgow, for the purpose of receiving subscriptions to the stock of said company; said books shall be opened at the Deposit Bank in said town of Glasgow, or any other place in said town the company may think proper. The shares of said company shall be ten dollars each, and said books shall be kept open until at least fifty shares shall have been subscribed, when they may be closed: *Provided, however,* That any person may thereafter make private subscriptions upon the books of said company, with the consent of the company.

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§ 3. That so soon as the books shall be closed, the corporators, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the stockholders, who shall elect five trustees, who shall continue in office for three years, and until their successors shall be elected and qualified; said board of trustees shall elect one of their own number as president, and shall have power to fill all vacancies in their body; three trustees shall constitute a quorum for the transaction of business; death, resignation, or removal from the county of Barren, shall vacate the office of trustee, and none but shareholders residing in Barren county shall be eligible to the office of trustee; election of trustees shall be held every three years; and if, for any cause, an election shall not be held at the proper time, then said trustees shall appoint some other time for the election, and the elections shall be held under the direction of the board of trustees then in office, and a majority of the shareholders who vote shall elect. Reasonable public notice shall always be given of the time and place of holding elections; printed or written notices, posted in at least four public places in the town of Glasgow, the court-house door being one, ten days next before the election, shall be deemed reasonable. Every owner of a lot or lots, of the value of ten dollars, shall be a shareholder, and each shareholder shall be entitled to one vote for each share he or she may own. Each trustee, before he enters upon the duties of his office, shall make oath before some judge or justice of the peace that he will faithfully and impartially discharge the duties of his office.

§ 4. That the trustees shall have power to appoint a superintendent, clerk, treasurer, and such other officers as they may think proper, and regulate their terms of office, and shall take bond with good security for the faithful discharge of their duties; they shall keep a record of their proceedings, and of all sales, transfers, and disbursements; and shall prepare and keep an accurate map and survey of the grounds and lots, and have the same recorded in the county clerk's office of Barren county; they shall have power to make by-laws for the regulation and sale of lots, and for the control, care, and management of the grounds and graves, and the mode of ornamenting the same, and establish rules in relation to the interment of bodies, and make such other by-laws and regulations as may be necessary for the purposes of the company; they shall have power to enter upon any of the lots and remove any ornaments, fixtures, or shrubbery, that may be placed on said lots against the by-laws or regulations of said company.

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§ 5. That so soon as the ground is purchased and the trustees elected and qualified, they shall have power to lay out and ornament the same, or any part thereof, and from time to time erect, repair, or add such buildings or fixtures as may be necessary for the use or ornament of the cemetery grounds; or shall have power to sell burial lots at either public or private sale, and execute conveyances to purchasers. When the lots shall be laid off, and before any sale shall be made, the trustees shall give ten days' notice, by posting written or printed notices in Glasgow, at four or more public places (the court-house door being one), notifying those who have subscribed to the capital stock of the company that they may then select lots, and fix the time within which such election shall be made, not exceeding thirty days. The trustees may prescribe such rules as will secure fairness and equity in the choice. The price of lots shall be fixed by the board of trustees.

§ 6. That where a burial lot is sold or allotted by said company, the trustees, or a majority of them, shall execute to the purchaser a certificate thereof, under the seal of the company, which shall vest the purchaser with title; which certificate shall be recorded in the clerk's office of the Barren county court, and the seal of the company being annexed to said certificate, shall be a sufficient authentication to admit it to record; and for recording each certificate of title, together with his own official certificate appended thereto, the clerk of said court may charge a fee of fifty cents, and no more. All subsequent transfers shall be required to be proved or acknowledged, and recorded in the manner required by the laws of this State in relation to the conveyance of real estate. The title to lots held by individuals shall pass by sale, devise, or descent, as in the case of other real estate; but they shall never be used for any other purpose than burial lots, and if applied to any other purpose, the title shall revert to the company.

§ 7. That after the original subscription of stock shall have been extinguished, as hereinafter provided, the proceeds of the sale of lots, and all money that may come to the company from any other source, shall be applied for all time to come to the ornament and improvement of the grounds, the erection of the necessary buildings and inclosures, the payment of its incidental expenses, and to the purchase of additional grounds, if enough should not be secured in the original purchase.

§ 8. It shall and may be lawful for the corporate authorities of the town of Glasgow, and for the county court of Barren county, to subscribe to the stock of said company to an amount not exceeding three hundred dollars each;

1871. and in the event of such subscription being made and paid, or secured to be paid, it shall be the duty of said company to assign to them proper lots, according to the amounts by them respectively subscribed and paid, and give certificates of title therefor; and said lots so assigned and conveyed shall be forever set apart as a place of burial for paupers, strangers, or sojourners who may die within the county of Barren, and to all such the same respect shall be paid as to those who may be the owners of lots; and the money to pay such subscriptions shall be raised by said county court and town authorities, in the same manner in which they raise their town and county revenue. It shall also be lawful for all Lodges of the Independent Order of Odd Fellows, of all Chapters of Royal Arch Masons, of all Lodges of Free and Accepted Masons, and of all Divisions of the Sons of Temperance, or other temperance organizations in said county, each to subscribe for and hold stock in said company to an amount not exceeding three hundred dollars; and upon such subscriptions being made and paid, or secured to be paid, they shall be entitled to the value thereof in lots, and to all the rights and privileges, and subjected to the same rules and regulations, which may be adopted for the government of individual stockholders.

§ 9. That those who may become subscribers to the capital stock of the company shall, out of the proceeds of the sale of lots or other funds of the company, be entitled to have the sums they may respectively pay repaid to them by the company as the means can be spared for that purpose; and if not paid within one year after the organization of the company, interest shall be paid after one year on any sum that may be due. The value of the lots respectively taken by stockholders may be a payment on the stock subscribed. The shares of the subscribers to the capital stock shall be diminished by payment as made, and when the whole sum shall be paid, then the value of the lots held shall fix the shares; in determining the shares of stock, the value of the lots, without regard to the improvements or monuments that may be placed thereon, shall be the criterion.

§ 10. That if any person or persons shall forcibly, and without lawful authority, violate any of the graves of the dead, or any vault which may be erected on the grounds of the company, or willfully deface any of the tombstones, monuments, or inclosures, or willfully injure any of the ornaments, shrubbery, fixtures, or buildings, or in any way damage the grounds or other property of the company, such person or persons so offending, and those who may aid or abet therein, shall be punished by fine or imprisonment, or both, in any court having jurisdiction thereof;

and shall also be liable to the company in an action for damages in any court having jurisdiction thereof, which damage, when recovered, shall be applied by the company to repair, as far as possible, the injury that has been done, and the residue to the general uses of the company.

1871.

§ 11. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1756.

AN ACT to incorporate the Athens and Walnut Hill Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Alexander E. Prewitt, Henry Henderson, Wm. Lyle, H. C. Payne, and Robt. Prewitt, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the "Athens and Walnut Hill Turnpike Company;" and by said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all the courts and places in this Commonwealth; and to have and use a common seal, and break, alter, or change the same at pleasure.

§ 2. That said company is hereby authorized and empowered to construct a turnpike or macadamized road from Athens, in Fayette county, to intersect the Lexington and Richmond Turnpike Road, at a point near the second toll-gate from Lexington, on said Lexington and Richmond road, as the company may deem proper; and in order to secure the funds necessary to construct the same, shall have power to raise a sum, by issue and sale of the capital stock, not exceeding fifteen thousand dollars, to be divided into shares of fifty dollars each.

§ 3. That the books for the subscription of stock shall be opened at such places as may be deemed best, under the direction of the persons hereinbefore named, all of whom are hereby made commissioners for the purpose of obtaining subscriptions to the capital stock of said company; and they shall provide a book or books, which shall contain the following obligation, to be signed by every person who shall take stock in said corporation, viz: "We, whose names are hereto subscribed, do severally bind ourselves to pay respectively to the president and directors of the Athens and Walnut Hill Turnpike Company, the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company;" and when the president and directors

1871. shall be chosen as hereinafter provided, they shall have full control of said books, and may cause the same to be opened, from time to time, until the entire amount of stock herein authorized is subscribed.

§ 4. That as soon as a majority of said commissioners shall be of the opinion that a sufficient amount of stock is subscribed to justify the commencement of said road, they shall call a meeting of the stockholders, and hold an election for president and three directors, who shall hold their offices for one year and until their successors are chosen: *Provided*, That should a vacancy occur, the remaining directors shall fill the same by appointment; and should the offices of all the directors become vacant, any three stockholders may call a meeting to elect their successors; a meeting of the stockholders for the election of officers shall be held each year, either at the same time and place as the first meeting, or at such other time and place as may be designated by the directory; and at all elections of said company, each stockholder shall have one vote for one share he may hold, which vote he may cast either in person or by written proxy. The directors shall have power to appoint a secretary and treasurer, and such other officers and agents as may be deemed necessary; and the treasurer, before he enters on the discharge of his duties, shall execute a bond, with security to said company, for the faithful performance of the duties of his office.

§ 5. That the said corporation shall have the power to acquire, hold, or sell real or personal estate, as the same may be deemed necessary in the construction of said road, and to do all other acts and things necessary in the exercise of the power herein expressly conferred.

§ 6. That the entire width of said road shall not exceed thirty feet, and the macadamized part thereof shall not be less than twelve feet. When said road is completed, said company may erect a toll-gate at such point thereon as they may prefer, and may charge and receive toll at the same; but no person traveling on said road shall be charged toll bearing a greater proportion to the rates prescribed in chapter 103 of the Revised Statutes, than the distance he may travel thereon bears to the distance of five miles.

§ 7. The president and directors may make such by-laws for the management of the affairs of their road as they may deem necessary: *Provided*, That the same are not inconsistent with this act or the Constitution and laws of the State.

§ 8. That the provisions of the Revised Statutes regard-

ing turnpike companies, and not inconsistent with the provisions of this act, shall be parts hereof. 1871.

§ 9. This act shall be in force from its passage.

Approved March 21, 1871.

CHAPTER 1757.

AN ACT for the benefit of the Kentucky River Turnpike Road Company.

WHEREAS, It appears that said company has been chartered and incorporated according to law by the Fayette county court; but that, although a part of its turnpike road is in the county of Clark, its incorporation has not been ratified and approved by the county court of Clark county; and whereas, said company was, by an act of this General Assembly, approved on the 28th of February, in the year 1862, authorized and empowered, when said turnpike road was fully completed between the Winchester and Lexington Turnpike Road, and Adams & Co.'s steam mill, to erect two toll-gates thereon; and it appears that said turnpike was fully completed within said limits, and said toll-gates erected thereon some time since, but that its completion as aforesaid, before the erection of said toll-gates, was not ascertained and determined according to law—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said turnpike road company shall be considered as duly and legally incorporated, from the time that the order of the Fayette county court was made, by which it was created a corporation, notwithstanding the failure of the company to have its incorporation approved of and ratified by the Clark county court.

§ 2. That the said turnpike road having been completed as required by the act approved the 28th day of February, in the year 1862, the erection of said two gates was in conformity with said act, and they are to be deemed as having been duly and legally erected at the time they were placed on said road, as fully as if the completion of said road, in the manner and to the extent required by said act, had been lawfully ascertained and determined, and the incorporation of said company had been approved of and ratified by the Clark county court.

§ 3. This act shall take effect from its passage.

Approved March 21, 1871.

1871.

CHAPTER 1758.

AN ACT to incorporate the Greenup and Boyd County Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry A. Meade, George P. Clancey, Nicholas Savage, Lewis Nichols, James Martin, H. W. Bates, B. F. Brown, John E. Brooks, James Bryan, A. L. Reid, J. L. Bryson, H. C. McCoy, Robt. Johnson, Wm. Biggs, jr., Ben. F. King, Richard Morton, Anthony Thompson, John McCalister, Wm. Killen, and Robt. Bagby, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Greenup County Turnpike Company; and by the said name and style shall have power to contract and be contracted with, sue and be sued, answer and be answered, plead and be impleaded, in all courts and places in this Commonwealth; and to have and use a common seal, and break, alter, or change the same at pleasure.

§ 2. The said company is hereby authorized and empowered to construct a turnpike or macadamized or gravel road along the valley of the Ohio, from the Lewis county line, through to the towns of Springville, Greenupsburg, and Riverton, to the Boyd county line; and thence to the corporate limits of the town of Ashland, in Boyd county, to run the most direct and practicable route; and in order to raise the funds necessary to construct the same, shall have the power to raise a sum by the issue and sale of the capital stock, not to exceed one hundred thousand dollars, to be divided into shares of twenty-five dollars each.

§ 3. That the books for the subscription of stock shall be opened in the town of Greenupsburg, and such other places as may be deemed best, under the directions of the persons hereinbefore mentioned, all of whom are hereby made commissioners for the purpose of obtaining the capital stock of said company; and they shall provide a book or books, which shall contain the following obligation, to be signed by every person who shall take stock in said corporation, viz: "We, whose names are hereto subscribed, do severally bind ourselves to pay, respectively, to the president and directors of the Greenup County Turnpike Road Company the sum of twenty-five dollars for each and every share of stock set opposite our names, in such manner and proportion, and at such times, as shall be required by the president and directors of said company;" and when the president and directors of said company shall be chosen, as hereinafter provided, they shall have full control of said books, and may cause the same to be opened, from time to time, until the entire amount of stock

herein authorized is subscribed, or so much thereof is subscribed as will insure the completion of said road.

1871.

§ 4. That as soon as a majority of said commissioners shall be of the opinion that a sufficient amount of stock is subscribed to justify the commencement of said road, they shall call a meeting of the stockholders, and hold an election for president and five directors, who shall hold their office for one year, and until their successors are chosen; in choosing the president and directors each stockholder shall have a vote for each share of stock subscribed: *Provided*, That should a vacancy occur in the office of president, the directors shall choose a president from their number to fill the unexpired time of such vacancy: *And provided further*, Should a vacancy occur in the office of director, the remaining directors shall fill the same by appointment of some of the stockholders of said company; and should the office of all the directors become vacant, any three stockholders may call a meeting to elect their successors. The directors shall have power to appoint a secretary and treasurer, and such officers as may be deemed necessary; and the treasurer, before he enters on the discharge of his duties, shall execute a bond, with approved security, to the said company, for the faithful performance of the duties of his office, and for the paying over and disbursing the funds of said company as may be directed by the president and directors thereof.

§ 5. That the said corporation shall have the power to acquire, hold, or sell real and personal estate, as the same may be deemed necessary in the construction of said road, and to do all other acts and things necessary in the exercise of the powers expressly conferred.

§ 6. That the said corporation is authorized to use so much of the right of way as will suit for the construction of said road, as is now used by the present road, from the Lewis county line to the corporate limits of Ashland as aforesaid; that the entire width of said road shall not exceed forty feet; and if the said corporation shall determine to macadamize the same, that part macadamized shall not exceed twenty feet; and when said road is completed in either manner authorized by this act, the directors shall call upon two justices of the peace residing near the said road in Greenup and Boyd counties, and not interested therein, to examine the same; and if they shall, by a written statement, to be filed with the county court of Greenup or Boyd counties, and in which said road is located, certify that the same is done in a good and substantial manner, then the said company may erect toll-gates, not exceeding two, on the said road, at such place or places as the board of directors may direct, and may charge and collect from the persons traveling or using the same the following

1871. rates of toll, viz : For every twenty head of hogs or sheep, or other small stock, ten (10) cents ; for each head of cattle, three (3) cents ; for each horse, mule, or ass, led or driven, five (5) cents ; for each person on horseback, five (5) cents ; for each wheeled vehicle, if drawn by one horse, ten (10) cents, and five cents for each additional horse attached thereto ; for each four-wheeled pleasure carriage, if drawn by one horse, fifteen (15) cents, and five cents for each additional horse attached thereto ; for each cart with a burthen, fifteen (15) cents, and without a burthen (10) cents ; for each four-wheeled wagon or carriage of burthen, if drawn by one horse, fifteen (15) cents, and five cents for each additional horse or animal attached thereto ; and for each sleigh, if drawn by one horse, ten (10) cents, and five cents for each additional horse or animal attached thereto.

§ 7. That the ministers of the gospel shall be exempt from tolls on said road ; children going to and returning from school, persons going to and returning from church on the Sabbath day, and all funeral processions, shall be exempt from paying tolls on said road.

§ 8. That the provisions of the Revised Statutes regarding turnpike companies, and not inconsistent with the provisions of this act, shall be part hereof.

§ 9. This act shall be in force from its passage.

Approved March 21, 1871.

CHAPTER 1759.

AN ACT to amend an act, entitled "An act to incorporate the Cynthiana and Millersburg Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the act of the Legislature incorporating the Cynthiana and Millersburg Turnpike Road Company be so amended as to allow and authorize the president and board of directors of said road to erect and keep up a toll-gate at the end of said road next to the town of Millersburg, in Bourbon county : *Provided*, That said gate shall not be erected within one mile of the town of Millersburg.

§ 2. That the said president and board of directors, after the erection of said toll-gate, shall have the right to collect and gather the same rates of toll at said gates, for the distance traveled on said road, as they are now authorized by law to collect and gather at the other gates on said road.

§ 3. This act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1760.

1871.

AN ACT to increase the County Levy of Cumberland County for County purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Cumberland county shall, on the second Monday in April, 1871, by special call, convene the levy court of said county at the court-house, in the town of Burksville; a majority of the justices being present and concurring therein, may levy, in addition to the taxes now collected in said county, an ad valorem tax not exceeding fifteen cents per annum for three consecutive years on each one hundred dollars' worth of property in said county, which is now subject to taxation for the State revenue, to be applied to the extinguishment of the county debt: *Provided further*, If it should appear, after the payment of the county debt, that there should be a balance remaining of moneys collected as above ordered, that the county court of said county shall apply such balance to the improvement of the public highways in said county.

§ 2. The sheriff, or any other collector of State revenue in Cumberland county, shall collect the said tax at the same time that the county levy is collected, and at the same time pay the same over to the proper officer that the county levy is required by law to be paid; and they and their securities shall be liable for the same in the same manner as they are by law liable for the collection of the county levy.

§ 3. This act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1761.

AN ACT to prohibit the sale of Intoxicating Liquors in the County of Bullitt.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful, after this act takes effect, for the county court of Bullitt county, or any other person or persons, to grant a license to any person or persons to sell by wholesale or retail any brandy, whisky, or intoxicating liquors, or a mixture thereof, within the limits or jurisdiction of Bullitt county.

§ 2. That any person or persons selling such liquors shall be deemed guilty of keeping a tippling-house, and for the first offense, upon presentment of a grand jury, shall be fined one hundred dollars, and for every subse-

1871. quent offense, shall be fined two-hundred and fifty dollars, the fines to be collected as other fines are collected.

§ 3. That manufacturers and wholesale dealers of whisky and brandy in said county may sell the same, to be delivered at the time of the sale, but not in less quantities than forty gallons; and it shall be the duty of the circuit court to give this act in charge to the grand juries of said county at each term thereof.

§ 4. That this act shall take effect whenever it shall be ratified by a majority of the voters of said county voting thereon at any election in said county; and a poll shall be opened at the next August election in every election district in said county for its adoption or rejection; and the county court clerk of said county shall prepare a column in the poll-books in said county for taking said vote; and the examiners of poll-books at elections in said county shall certify the result of said vote to the county court, and said court shall have the same entered upon the records of its court.

§ 5. That should said act be rejected at the first election, the same may be voted on at any subsequent election in August, and if then ratified, shall thereafter take effect as above provided: *Provided*, That nothing herein shall prohibit the sale of liquor by those licensed at the time this act takes effect until their license expires, nor to prohibit licensed druggists from selling spirituous liquors for medicinal purposes, upon the written prescription of resident physicians of good standing in said county, nor to prohibit such physicians from selling spirituous liquors for medicinal purposes.

Approved March 21, 1871.

CHAPTER 1762.

AN ACT for the benefit of Shadrick Combs, Sheriff of Letcher County, and his Sureties, for the year 1869.

WHEREAS, It appears that a judgment in the Franklin circuit court in favor of the Commonwealth of Kentucky against Shadrick Combs, sheriff of Letcher county, for the year 1869, and his securities, for the revenue of said county, has been fully paid off, except the damages in said judgment; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Shadrick Combs, sheriff of Letcher county for the year 1869, and his securities, be, and they are hereby, forever released from the payment of the damages in said judgment.

§ 2. That this act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1763.

1871.

AN ACT to authorize the election of Town Officers for Mackville, Washington County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the election of police judge, town marshal, and trustees for the town of Mackville, Washington county, be held on the first Saturday in June, 1871 (they having failed to hold an election within the time prescribed by law); and that Joseph Willis, John M. Smith, and Dr. Allen, any two of whom may act, are appointed judges of said election.

§ 2. This act to take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1764.

AN ACT to amend an act, entitled "An act to create a special road law for the County of Pendleton."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of the act, entitled "An act to create a special road law for the county of Pendleton," approved January 26, 1869, be amended by striking out of the nineteenth and twentieth lines thereof the following words, viz: "Not exceeding one dollar and fifty cents," and making the same as amended to read, "not exceeding three dollars." Said sum to be levied, collected, and appropriated in the manner therein provided.

§ 2. This act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1765.

AN ACT to amend an act, entitled "An act to incorporate the Central Passenger Railroad Company, of the City of Louisville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Central Passenger Railroad Company of Louisville be, and the same is hereby, empowered to acquire to hold and convey real estate, exclusive of tracks and right of way, not to exceed in cost one hundred thousand dollars.

§ 2. That it shall be lawful for said corporation to lease, in whole or in part, its road, property, and franchises, with

1871. the consent of the general council, to any person or persons, corporation or corporations; and may, by lease or other contract, acquire the right to use the road or roads, property and franchises, of any similar corporation in the city of Louisville or county of Jefferson.

§ 3. That it shall be lawful for the city of Louisville (a majority of the general council concurring therein) and the Central Passenger Railroad Company, of Louisville, to change, alter, or amend any contract or agreement heretofore made in relation to the motive power to be used in propelling the cars upon its tracks, and in relation to opening or keeping streets in repair; and the motive power used under the contract, thus changed or amended, may also be used by said corporation on any road acquired, by lease or otherwise, beyond the limits of the city of Louisville.

§ 4. That this act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1766.

AN ACT appointing Commissioners to settle with the County Judges of the Counties of Knox and Josh Bell, in relation to the tolls received by them from gate-keepers on the Wilderness Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John H. Wilson, of the county of Knox, and Peter Hinkle, of the county of Josh Bell, be, and they are hereby, appointed commissioners, to make full and complete settlement with the county judges of Knox and Josh Bell counties, as to the amount of money that has been paid into their hands respectively, on account of tolls on the Wilderness Turnpike Road, from the various gate-keepers on said road. It shall and is hereby made the duty of said commissioners, after having first been duly sworn to faithfully and impartially discharge the duties required of them, to notify the said county judges to meet at the court-house of either of the counties of Knox or Josh Bell, at such time as they may designate, and make full and complete settlement of all moneys that have come into the hands of said judges on account of tolls received from the gate-keepers on the Wilderness Turnpike Road, and reduce their said settlement to writing, which shall be recorded in the Knox and Josh Bell county court clerks' office by the clerk of said court; said commissioners are hereby empowered to issue compulsory process for the attendance of witnesses before them, or any papers that they wish to use in said settlements; and

all the provisions of this act shall apply to any and all former judges of either of the counties of Knox or Josh Bell, since the erection of toll-gates or gate on the Wilderness Turnpike Road.

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§ 2. The county courts of Knox and Josh Bell shall make a reasonable allowance to each of the commissioners appointed under this act, to be paid out of the proceeds of said gates.

§ 3. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1767.

AN ACT to charter the Springfield and Chaplin Turnpike Road Company.

WHEREAS, A Turnpike Road Company was attempted to be organized by the Washington county court, under chapter 103 of the Revised Statutes, under the name of the Springfield and Chaplin Turnpike Road Company, and upon a survey of said road it was found to be less than five miles; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated, under the name and style of the Springfield and Chaplin Turnpike Road Company, for the purpose of constructing a turnpike or gravel road from a point on the Mackville, Willisburg, and Louisville Turnpike Road, at or near Jas. Hays' blacksmith-shop, to a point on the Springfield and Bloomfield Turnpike Road, opposite the dwelling-house of Henry B. Moore; and by said name and style shall have perpetual succession, and as such is hereby vested with all the powers, capacities, privileges, franchises, and immunities, which belong to or are enjoyed by any similar corporation in this State created for similar purpose; that the capital stock of said company shall not exceed twenty thousand dollars, divided into shares of fifty dollars each, to be paid in such manner, and at such times, as the president and directors of said company may direct, and under such penalties as they may, by by-laws, prescribe; that F. R. Neale, sr., W. B. McMakin, Jas. Grigsby, Henry B. Moore, John P. Bush, J. H. Wakefield, be, and they are hereby, appointed commissioners to organize said company, and to receive subscription to the capital stock of the same; that after the passage of this act the Washington county court shall have full power to ratify all subscriptions made by it to said company, as recited in the preamble of this act, and to give it the same effect as if made at the date it was really made. That sections two to thirteen, inclusive, except section six, of an act, entitled

1871. "An act to incorporate the Benson Turnpike Road Company," approved, 15th January, 1870, are made a part hereof as fully as if they were herein set out in full.

§ 2. This act shall take effect from its passage.

Approved March 21, 1871

CHAPTER 1768.

AN ACT to amend an act, entitled "An act to charter the Louisville Naphthaline Steel Manufacturing Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the first section of the above act as prescribes the corporate name and style of said company as the Louisville Naphthaline Steel Manufacturing Company, be, and the same is hereby, repealed; and that the name and style, Louisville Steel Works, be, and the same is hereby, authorized and substituted as the corporate title and name of said company.

§ 2. That so much of the second section of said act as provides, that "whenever as many as three hundred shares have been subscribed and secured to be paid," is hereby repealed, and that one hundred shares instead, be, and the same is hereby, authorized and substituted.

Approved March 21, 1871.

CHAPTER 1769.

AN ACT to create and regulate the office of County Treasurer of Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created for the county of Floyd the office of county treasurer; said officer shall be appointed by the county judge immediately after the passage of this act. The person so appointed shall hold his office until his successor has been duly elected and qualified. At the court of claims for said county for the year 1871, and at the same court every two years thereafter, a successor to said office shall be elected.

§ 2. Said treasurer shall execute a bond, with one or more sureties, to be approved by the presiding judge of said court, a bond similar to that required by law to be given by the collectors of the county levy, to be sued upon in the same manner.

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§ 3. It shall be the duty of said treasurer to collect, receive, and receipt for all money due or to become due to said county from the several collecting officers thereof, including all moneys collected under the road laws of said county, to be held subject to the order of the county court of said county. He shall have power and it shall be his duty to institute actions against all delinquent sheriffs or collectors of said county. In the month of October of each year, such sheriffs and collectors shall settle their accounts with said treasurer, and pay over any balance due by them; and at the county court held in the following month, said treasurer shall report said settlements to the county court. He shall keep a book, to be furnished and paid for as other public books, in which he shall keep a correct account of all money received by him for the county, showing when, and on what account received, and when and on what account disbursed by him.

§ 4. It shall not be lawful for any one except said treasurer to receive any money due or to become due to said county: *Provided, however,* That the sheriff or collector may, as heretofore, pay off claims against the county out of the county levy, and receive credit therefor in his said settlements.

§ 5. It shall be the duty of the county judge of said county, in the month of December of each year, to settle the county treasurer's accounts, and report the same to the next county court, which shall lie over to the succeeding term for exception; and if no exceptions are then taken, or those taken are overruled, said settlement shall be confirmed and recorded. Said judge shall receive the compensation allowed by law in other cases for making said settlement.

§ 6. The county court clerk shall record all the settlements herein provided for, and receive for his services fees as allowed by law for similar services, to be paid out of the county levy.

§ 7. The county court, composed as required by the election of the treasurer, shall fix the rates of compensation to be allowed him, which shall not be diminished during his term of office, but may at any time be by them increased.

§ 8. All acts or parts of acts in conflict with this are hereby repealed.

§ 9. This act shall take effect from its passage.

Approved March 21, 1871.

1871.

CHAPTER 1770.

AN ACT to amend an act, entitled "An act for the benefit of the county of Morgan," approved January 17th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the county of Morgan," approved January.17, 1867," be, and the same is hereby, so amended as continue it in force until the first day of December, 1873.

§ 2. That the proceedings of the court of claims in and for the county of Morgan, for the year 1870, in levying an ad valorem tax to pay "court-house debt," is hereby legalized.

§ 3. That this act shall be in force from its passage.

Approved March 21, 1871.

CHAPTER 1771.

AN ACT for the benefit of the Covington and DeCoursey Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of Kenton county be, and he is hereby, authorized to place the hands now required to work on any county road in Kenton on such part of said county road or roads, upon which said Covington and DeCoursey Creek Turnpike Road has been located and graded; and said hands shall be required, under the supervisor, to continue to work such part of said turnpike road until the stone shall have been put on the same: *Provided*, No toll or charge shall be made against any one traveling on said part of the road until it shall be stoned and completed.

§ 2. This act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1772.

AN ACT for the benefit of the Bridgeport and Farmdale Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Bridgeport and Farmdale Turnpike Road Company be, and they are hereby, authorized to extend their road to intersect the Clifton Turnpike Road near Providence meeting-house, in Anderson county; and that said company, in making said extension, are vested with

all the powers, and subject to all the restrictions, contained in the original charter. 1871.

§ 2. This act to be in force from its passage.

Approved March 21, 1871.

CHAPTER 1773.

AN ACT to authorize the County Court of Scott County to borrow money to build a Jail.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Scott county be, and the same is hereby, authorized to borrow money, not exceeding ten thousand dollars, for the purpose of building a jail in said county; and the said county court is hereby authorized to issue her bonds, or give her obligations in writing, for the same, which shall be signed by the presiding judge of said county court and countersigned by the clerk of said county court; and which bonds shall be made payable by the county court at any time in not exceeding five years from the date of said bonds; which bonds shall bear interest at any rate not exceeding ten per cent. per annum.

§ 2. That for the purpose of paying said bonds as the same shall become due, the county court of said county, at its regular court of claims, is hereby authorized to levy a tax not exceeding ten cents on each one hundred dollars of taxable property in said county, to pay the debt created by this act, if said levy and tax shall be found necessary in the judgment of said county court.

§ 3. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1774.

AN ACT to amend the Charter of the Licking and Big Sandy Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Licking and Big Sandy Railroad Company, approved December 7, 1869, be so amended as that the said railroad company may organize when bona fide subscriptions of stock to the amount or value of thirty thousand dollars shall have been made to the capital stock thereof.

§ 2. The stockholders of said Licking and Big Sandy Railroad Company may, at any meeting for the election

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CHAPTER 1775.

AN ACT to amend the Charter of the City of Louisville.

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky:*

§ 1. That section eleven of the charter of the city of Louisville, approved 3d of March, 1870, be, and the same is hereby, so amended as to read as follows: Third street is made a line, dividing the entire city into an eastern and western district for the purpose of drainage, building bridges and culverts, and providing public parks or pleasure grounds. The expense of those in each district shall be assessed upon the property therein subject to taxation for general city purposes, to be levied, assessed, and collected as may be provided by ordinance; but no ordinance for the establishment of any park or pleasure ground shall take effect until it shall have been submitted to the qualified voters of the district to be taxed therefor, at a general election for city or State officers, or at a special election on a day fixed by the general council, and after publication of the ordinance in one or more of the daily papers of the largest circulation in said city, for at least ten days previous to said election, and to be voted for by a majority of those voting thereon; said council may lay off the city into as many sewerage districts as will, in its judgment, provide an efficient system of drainage, to be gradually progressed with from year to year in carrying out the general plan, and shall cause a map thereof to be made, showing all the main sewers and the territory drained thereby, and the small sewers and the territory drained thereby, so as to make a just and equitable system; and said council shall assess the cost of said sewers on the property in each district subject to taxation for city purposes; and the sum so assessed upon each district for

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§ 4. That an annual tax shall be asse
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bonds of the city of Louisville, issued to pay for
ing the out-fall sewer in the western district and t
ers in the eastern district, and the raising or impr
the wharf or the grades of Fulton and connecting stre
and the making a road-bed north of Main street for the
Louisville, Cincinnati, and Lexington Railroad; and that
said bonds, when issued, shall be chargeable to, and paid
by, the sinking fund of said city; and if so paid, the money
arising from this tax shall be paid into that fund until
said bonds are paid off, when this tax shall cease.

§ 5. That section (1st) first of said act, approved 3d of
March, 1871, be, and the same is, so amended as to read
as follows, to-wit: "The mayor shall dismiss any member
of the police force for intermeddling with, or directly or
indirectly taking part in elections, further than to vote; for
intentionally omitting or failing to perform any duties in-
cumbent upon him as a policeman, for wanton breaches of
law or ordinance, or the rules for the government of the
police, for the neglect of his family, or for any other cause
which he may deem sufficient; but any policeman so dis-
missed may appeal to the board of commissioners, and if
the action of the mayor be not sustained, the commission-
ers may restore said policeman to his place."

§ 6. That the general council of said city shall have
power to fix and collect from express and transfer com-

1871. panies a license for doing business in said city, any act, usage, or law to the contrary notwithstanding.

§ 7. That said charter and amendment be further amended as to allow any person, residing out of the city of Louisville, shall have the right to send their children to the public schools of said city: *Provided*, That said persons or person shall pay taxes to said city, for each year, the sum of twenty dollars or more, for the purpose of sustaining said public schools.

§ 8. That all laws in conflict with this act, or the act to amend said charter, approved third March, eighteen hundred and seventy-one, not herein enacted, be, and the same are hereby, repealed; and that this act take effect and be in full force from and after its passage.

Approved March 21, 1871.

CHAPTER 1776.

AN ACT to incorporate the Perryville and Old Mackville Turnpike Road Company, in Boyle and Mercer Counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a body-corporate and politic be, and hereby is, created and authorized to be formed and organized, under the name and style of the Perryville and Old Mackville Turnpike Road Company, in Boyle and Mercer counties; and under that name and style it shall have perpetual succession; may have a common seal; may contract and be contracted with, sue and be sued, in all the courts of this Commonwealth.

§ 2. The object and business of said corporation shall be to construct, keep up, and maintain a turnpike road along the old dirt road from Perryville, intersecting the New Perryville and Mackville pike near Charles Powell.

§ 3. The capital stock of said company shall not exceed six thousand dollars, to be divided into shares of twenty-five dollars each.

§ 4. The following persons shall be commissioners to obtain stock in said road: John C. Russell, Marion McGraw, Thos. Chatham, S. D. Bottom, J. N. Isom, Marion Carpenter, H. S. Bottom, S. E. Bottom, E. White, and Tarry Gibson, or any two or more may act, to obtain stock in said road; they may, at any time and place, open books for subscription of stock to said company, and close the same at pleasure. When stock enough to build two and one half miles shall have been subscribed, the company shall be organized by the election of five of the stockholders as a board of directors, one of whom shall be elected as president by the board, and who shall

continue in office one year, or until their successors are duly elected and qualified; the first board shall be elected at such time and place as a majority of the stockholders may select, and upon ten days' notice, posted up at some public place near the commencement of said road. 1871.

§ 4. The right of way and the materials for the construction of said road may be obtained in the manner prescribed by chapter 103 of the Revised Statutes, title "Turnpike and Plank Roads."

§ 5. So soon as the said road is completed, a gate may be erected at each end thereof, with the right only to charge half rates; or one full gate may be erected at any convenient point on said road, as the company may choose, with the right of charging the usual rates. So soon as two and one half miles of said road may be completed, a gate may be erected at some convenient place thereon, at which half the rates charged for each five miles of travel may be collected.

§ 6. This act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1777.

AN ACT to authorize the County Judge of Mason to vote certain stock in the Maysville and Lexington Railroad, Northern Division, at the next annual election for directors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county judge of Mason county, at the next annual election for directors of the Maysville and Lexington Railroad, Northern Division, to vote all the stock owned by the citizens of said county in said railroad for which no certificate of stock has been issued: *Provided*, That he shall not be allowed to vote any stock actually subscribed by individuals.

§ 2. This act shall take effect and be in force from its passage.

Approved March 21, 1871.

CHAPTER 1778.

AN ACT for the benefit of the Paris and Winchester Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person owning or occupying land bordering on the Paris and Winchester Turnpike, who shall pass from his land owned or occupied by him on to the lands

1871. of another, and thence on to said turnpike, so as not to pass through any toll-gate, or would otherwise pass through, with a view or for the purpose of evading the payment of tolls thereon, shall, for each offense, forfeit and pay to the president and directors of said turnpike company the sum of ten dollars, to be recovered by action in their name in any court of competent jurisdiction.

§ 2. Any person who shall suffer or permit any one to pass over and through his lands for the purpose of evading the payment of tolls as aforesaid, with a knowledge of such purpose, shall forfeit and pay the sum of ten dollars for each offense, to be recovered as provided in the preceding section.

§ 3. This act shall be in force from its passage.

Approved March 21, 1871.

CHAPTER 1779.

AN ACT to amend an act, entitled "An act to incorporate the Spring Station Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Spring Station Turnpike Road Company" be, and the same is hereby, so amended as to authorize, and said company is hereby authorized to extend the turnpike provided for in said act to the Georgetown pike, at or near Buck Run meeting-house, in Franklin county.

§ 2. This act shall be in force from its passage.

Approved March 21, 1871.

CHAPTER 1780.

AN ACT for the benefit of the Logan Female College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the real estate now owned by the Logan Female College shall hereafter be exempt from taxation of all kinds.

§ 2. This act to take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1781.

1871.

AN ACT to authorize the Anderson County Court to levy a tax to build bridges, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Anderson county, a majority of the justices of the peace of said county in commission being present and constituting a part of the same, may hereafter levy, in addition to the capitation tax now authorized by law, an ad valorem tax not to exceed twenty-five cents on every one hundred dollars in value of real and personal property in said county, to be estimated and ascertained by the books returned to the county court by the tax assessor for each year in which the tax is made collectable, for the purpose of building bridges and repairing roads in said county; but no such levy shall be made at any court unless it is held between the first day of September and the last day of April next following; and no court shall at any sitting levy a tax for more than one year, nor more than once in any year.

§ 2. The sheriff of the county shall collect the tax provided for in this act; and shall have power to levy on, distrain for, and sell the property of tax-payers to make the same, in the same manner and times as is now by law allowed in the collection of revenue; and be allowed the same commissions as are now allowed by law for collecting the revenue. He shall hold said tax, and account for it each year in the same way, and at the same time, that he is required by law to account for the county levy; and his sureties shall be liable to the county on his bond, as collector of the county levy, for the faithful discharge of all his duties under this act. He shall settle with the county court for said taxes at the same time, and with the commissioner with whom he settles for the county levy, or at any other time, or with any commissioner, as the court may by order direct; and shall pay over any money arising from said tax which may be found in his hands, or with which he may be chargeable on settlement, as the said county court may direct.

§ 3. That the county court may levy and use said tax for the same purposes, and shall have the same power and control over the same, which is given to said court by the general law over the county levy.

§ 4. That before any tax shall be levied or collected under the provisions of this act, the question of levying and collecting the same shall, by an order of the county court, be submitted to the qualified voters of Anderson county at an election to be held for that purpose on a day designated in the order; and if a majority of the votes cast at such election are in favor of such levy and collec-

1871. tion, the same shall be levied and collected as hereinbefore provided; but if the majority shall be against the same, no such tax shall be levied by said county court. Said election shall be conducted by the officers provided by law for the holding of elections in said county; and the returns shall be made, and the result ascertained, as in the case of elections for county officers.

§ 5. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1782.

AN ACT to incorporate the Frenchburg and Owingsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, created, under the name and style of the Frenchburg and Owingsville Turnpike Road Company, which shall be a body-politic and corporate, for the purpose of constructing a turnpike road from the town of Frenchburg, in Menifee county, to the town of Owingsville, in Bath county; said road to be located on the most practicable route between the two points aboved named.

§ 2. The capital stock of the company shall not exceed seventy-five thousand dollars (\$75,000), and be divided into shares of twenty-five dollars (\$25) each.

§ 3. Books shall be opened at convenient places for the subscription of stock in said company, under the direction of William Pierce, Frank Day, and Milt. Vanarsdale, in Menifee county, and H. L. Stone, James P. Ficklin, J. A. J. Lee, and H. Gill, of Bath county.

§ 4. As soon as a sufficient amount to build five miles of road has been subscribed, the commissioners shall call a meeting of the stockholders at some convenient point for the purpose of choosing officers, notice of which shall be put up at three public places on the contemplated road, at least ten days previous to the meeting. There shall be elected a president and five directors, who shall hold their office for one year, and until their successors are elected and qualified. The directors shall elect a treasurer, and such other officers as they deem necessary; and the treasurer shall be required to execute bond, with approved security, to faithfully perform the duties of his office; and he shall pay over to the order of the directors any money which may be in his hands as treasurer. The stockholders shall be entitled to one vote for each share held in said company, and may vote either by proxy or in person.

§ 5. The grade and width of said road shall be determined by the president and directors.

1871.

§ 6. When the officers of said road fail to agree with any person over whose land said road may run as to the amount of damages sustained by said owners of the land, then they may apply to the county court of the county in which the lands are situated for a writ of *ad quod damnum* to assess the damages sustained by the owners of the land; and by the payment or tender of the damages assessed, it shall be lawful for said officers, or their agents and employees, to enter upon said lands and open and complete said road.

§ 7. When five miles of said road shall have been completed, the president and directors may erect one toll-gate and collect toll thereat pursuant to rates established by law.

§ 8. The president and directors may let out said road to contractors on such terms, and in such proportions, as they deem beneficial to the interest of the company.

§ 9. Said company may sue and be sued, plead and be impleaded, contract and be contracted with, and in all litigations shall be dealt with as a natural company.

§ 10. That the stockholders in said road failing to pay their call when due, shall be subject to suit in any of the courts of this Commonwealth having jurisdiction of the matter in controversy, and shall also pay six per cent. per annum interest thereon until paid.

§ 11. This act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1783.

AN ACT to regulate the sale of Liquors in the Town of Canmer, Hart County, and within one mile thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to sell any spirituous, vinous, or malt liquors, or a mixture thereof, in any quantities less than one barrel, in the town of Canmer, Hart county, or within one mile of the corporate limits thereof. All persons violating the provisions of this act shall be subject to the penalties denounced for keeping a tippling-house.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall be in force from and after its passage.

Approved March 21, 1871.

1871. "An act to incorporate the Benson Turnpike Road Company," approved, 15th January, 1870, are made a part hereof as fully as if they were herein set out in full.

§ 2. This act shall take effect from its passage.

Approved March 21, 1871

CHAPTER 1768.

AN ACT to amend an act, entitled "An act to charter the Louisville Naphthaline Steel Manufacturing Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the first section of the above act as prescribes the corporate name and style of said company as the Louisville Naphthaline Steel Manufacturing Company, be, and the same is hereby, repealed; and that the name and style, Louisville Steel Works, be, and the same is hereby, authorized and substituted as the corporate title and name of said company.

§ 2. That so much of the second section of said act as provides, that "whenever as many as three hundred shares have been subscribed and secured to be paid," is hereby repealed, and that one hundred shares instead, be, and the same is hereby, authorized and substituted.

Approved March 21, 1871.

CHAPTER 1769.

AN ACT to create and regulate the office of County Treasurer of Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created for the county of Floyd the office of county treasurer; said officer shall be appointed by the county judge immediately after the passage of this act. The person so appointed shall hold his office until his successor has been duly elected and qualified. At the court of claims for said county for the year 1871, and at the same court every two years thereafter, a successor to said office shall be elected.

§ 2. Said treasurer shall execute a bond, with one or more sureties, to be approved by the presiding judge of said court, a bond similar to that required by law to be given by the collectors of the county levy, to be sued upon in the same manner.

1871.

§ 3. It shall be the duty of said treasurer to collect, receive, and receipt for all money due or to become due to said county from the several collecting officers thereof, including all moneys collected under the road laws of said county, to be held subject to the order of the county court of said county. He shall have power and it shall be his duty to institute actions against all delinquent sheriffs or collectors of said county. In the month of October of each year, such sheriffs and collectors shall settle their accounts with said treasurer, and pay over any balance due by them; and at the county court held in the following month, said treasurer shall report said settlements to the county court. He shall keep a book, to be furnished and paid for as other public books, in which he shall keep a correct account of all money received by him for the county, showing when, and on what account received, and when and on what account disbursed by him.

§ 4. It shall not be lawful for any one except said treasurer to receive any money due or to become due to said county: *Provided, however,* That the sheriff or collector may, as heretofore, pay off claims against the county out of the county levy, and receive credit therefor in his said settlements.

§ 5. It shall be the duty of the county judge of said county, in the month of December of each year, to settle the county treasurer's accounts, and report the same to the next county court, which shall lie over to the succeeding term for exception; and if no exceptions are then taken, or those taken are overruled, said settlement shall be confirmed and recorded. Said judge shall receive the compensation allowed by law in other cases for making said settlement.

§ 6. The county court clerk shall record all the settlements herein provided for, and receive for his services fees as allowed by law for similar services, to be paid out of the county levy.

§ 7. The county court, composed as required by the election of the treasurer, shall fix the rates of compensation to be allowed him, which shall not be diminished during his term of office, but may at any time be by them increased.

§ 8. All acts or parts of acts in conflict with this are hereby repealed.

§ 9. This act shall take effect from its passage.

Approved March 21, 1871.

1871.

CHAPTER 1770.

AN ACT to amend an act, entitled "An act for the benefit of the county of Morgan," approved January 17th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of the county of Morgan," approved January, 17, 1867," be, and the same is hereby, so amended as continue it in force until the first day of December, 1873.

§ 2. That the proceedings of the court of claims in and for the county of Morgan, for the year 1870, in levying an ad valorem tax to pay "court-house debt," is hereby legalized.

§ 3. That this act shall be in force from its passage.

Approved March 21, 1871.

CHAPTER 1771.

AN ACT for the benefit of the Covington and DeCoursey Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of Kenton county be, and he is hereby, authorized to place the hands now required to work on any county road in Kenton on such part of said county road or roads, upon which said Covington and DeCoursey Creek Turnpike Road has been located and graded; and said hands shall be required, under the supervisor, to continue to work such part of said turnpike road until the stone shall have been put on the same: *Provided*, No toll or charge shall be made against any one traveling on said part of the road until it shall be stoned and completed.

§ 2. This act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1772.

AN ACT for the benefit of the Bridgeport and Farmdale Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Bridgeport and Farmdale Turnpike Road Company be, and they are hereby, authorized to extend their road to intersect the Clifton Turnpike Road near Providence meeting-house, in Anderson county; and that said company, in making said extension, are vested with

all the powers, and subject to all the restrictions, contained in the original charter.

1871.

§ 2. This act to be in force from its passage.

Approved March 21, 1871.

CHAPTER 1773.

AN ACT to authorize the County Court of Scott County to borrow money to build a Jail.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Scott county be, and the same is hereby, authorized to borrow money, not exceeding ten thousand dollars, for the purpose of building a jail in said county; and the said county court is hereby authorized to issue her bonds, or give her obligations in writing, for the same, which shall be signed by the presiding judge of said county court and countersigned by the clerk of said county court; and which bonds shall be made payable by the county court at any time in not exceeding five years from the date of said bonds; which bonds shall bear interest at any rate not exceeding ten per cent. per annum.

§ 2. That for the purpose of paying said bonds as the same shall become due, the county court of said county, at its regular court of claims, is hereby authorized to levy a tax not exceeding ten cents on each one hundred dollars of taxable property in said county, to pay the debt created by this act, if said levy and tax shall be found necessary in the judgment of said county court.

§ 3. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1774.

AN ACT to amend the Charter of the Licking and Big Sandy Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Licking and Big Sandy Railroad Company, approved December 7, 1869, be so amended as that the said railroad company may organize when bona fide subscriptions of stock to the amount or value of thirty thousand dollars shall have been made to the capital stock thereof.

§ 2. The stockholders of said Licking and Big Sandy Railroad Company may, at any meeting for the election

1871.

CHAPTER 1790.

AN ACT to amend the Charter of the Kentucky Real Estate and Building Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the Kentucky Real Estate and Building Company be, and the same is hereby, changed to Kentucky Building and Financial Company; by which name it shall be known; and shall have all the rights and privileges conferred by the charter of said company.

§ 2. Henry C. Thomas, T. L. Burnett, Geo. W. Anderson, Frank Jones, John Burnett, are appointed commissioners, and any three of them may receive subscriptions of stock in said company; and shall fix the time and manner of paying the same; and prescribe in the subscriptions what failure shall authorize a forfeiture of the stock subscribed for.

§ 3. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1791.

AN ACT to amend an act, entitled "An act to amend an act to authorize the Pendleton County Court to raise money to build bridges, &c."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first of an "Act to amend an act to authorize the Pendleton county court to raise money to build bridges, &c.," approved March 10th, 1870, be amended by striking out of the ninth and tenth lines of said section the following words, viz: "Not exceeding twenty thousand dollars;" making said section, as amended, read as follows: The county court shall have power at the same time, and in the same manner, and for the same purposes as provided in said section, and in the foregoing section in the act to which the act amended herein is an amendment, by an order entered in the order-book of said court, to borrow any sum of money not exceeding thirty-five thousand dollars, and to issue bonds for this purpose for such sums each as they may deem proper, to bear interest at any rate not exceeding ten per cent. per annum; the presiding judge of said court shall sign the bonds, and the clerk shall countersign them, and affix the seal of the court; the interest may be paid either annually or semi-annually, as the court may direct; the treasurer of said county, by the direction of said court, shall have power to borrow said money; he shall be the proper custodian of the same, and pay the same out upon the order and by the direction of said court, and be

liable upon his official bond as he is now made liable by law ; and he shall report his proceedings to the court when required.

1871.

§ 2. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1792.

AN ACT to authorize the condemnation of land for Cemetery purposes in Pendleton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the presiding judge of the Pendleton county court shall have power and authority, upon the application of any one or more persons, to issue a writ of *ad quod damnum*, directed to the sheriff of said county, for the purpose of condemning any land in said county, not exceeding two acres in any one place, for cemetery purposes ; and all the proceedings under such writ shall conform to and be regulated by the provisions of sections twenty-nine, thirty, thirty-one, thirty-two, and thirty-three, of chapter one hundred and three of the Revised Statutes, except that the damages awarded to the owner or owners of the land proposed to be taken shall be paid by the applicant or applicants for the writ ; and upon the confirmation of the inquest or verdict on a traverse, the title to the land condemned shall vest in the applicant or applicants for the uses and purposes of a cemetery, and for no other uses or purposes whatever ; but no land shall be condemned under this act unless the same shall be situated within one half mile of a church or other place of religious worship, nor shall any dwelling-house or other building now erected be taken.

§ 2. That this act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1793.

AN ACT to incorporate the Kentucky River Salt Manufacturing Company, in Perry County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. John Dickinson, T. G. McConnell, J. D. Karson, Minter Jackson, D. G. Thomas, and such other associates as the above corporators may adopt, and their successors, are hereby created a body-politic and corporate, named

1871. the Kentucky River Salt Manufacturing Company; and by that name shall have power to contract and be contracted with, to acquire and hold property, real and personal, and the same to convey; to sue and be sued, plead and be impleaded, in all courts and places as a natural person forever; to have and use a common seal, and alter the same at pleasure; and to make all necessary by-laws and regulations for the government of the company and the conduct of its business not inconsistent with the Constitution and laws of this State and the United States.

§ 2. The said company shall have power to purchase, acquire, and hold such real estate in the State of Kentucky, and elsewhere, by lease, in fee simple, and otherwise, and such mining privileges, rights of way, and other easements, and such personal property as it may deem necessary or expedient for its business. It shall have power to dig, bore, mine, and in any other way search for iron, lead, copper, salt, oil, coal, or any other mineral products or deposits; and to purchase, manufacture, and prepare for market any and all of said minerals, products, and deposits; and shall have the power to erect mills to saw lumber, grind, tan leather, trade in all kinds of merchandise, stock, &c.; and to purchase and sell land; to transport and send to market the products of their business by land or water; to take stock in or build railroads, subject to the laws and usages of Kentucky; and to exercise any proper power to carry out fully the powers granted by this act. It shall have power to purchase or condemn lands to its use by proceedings taken in conformity with chapter 57 of the Revised Statutes of Kentucky. It shall have power to locate and construct roads to any of the works or mines of said company, and to any points in Kentucky to where they may wish to transport their products. They shall have power to build bridges across the North Fork of the Kentucky river, in Perry county: *Provided*, That no land, or the use thereof, or the right of any way thereover, shall be taken under condemnation for said company until the value thereof, as assessed in the county court where the land lies, shall be paid to the owner or into court for them.

§ 3. The capital stock of said company shall not exceed five hundred thousand dollars, nor less than fifty thousand dollars, in shares of one hundred dollars each. It may purchase and hold fifty thousand acres of land.

§ 4. The principal office shall be kept and held at a place in Perry county known as Brashear's Salt Works.

§ 5. The persons named in the first section of this act shall constitute the first board of directors; they or a majority of them shall have power to open books for the subscription of stock, and prescribe the terms of subscrip-

tion, the times and manner of payment, and the time, manner, and grounds of the forfeiture of the stock subscribed, but not paid in as required by call; and they may either forfeit the stock of the defaulting stockholder or collect the same by suit, as they may elect. 1871.

§ 6. The board shall elect one of their number to be president of the company, who shall receive such a salary as the board shall direct. The board may, from time to time, declare and pay dividends, or use them in extending the operations of the business.

§ 7. They may borrow money upon the bonds of the stockholders at a rate of interest not exceeding ten per cent. per annum; and may execute mortgages and deeds of trust to secure the payment of the same.

§ 8. The board of directors shall appoint a secretary or chief clerk, who shall keep his office at the principal place of business named in this act; and service of process and notice upon him shall be good against the company; and the company's board of directors shall define the duties of all their officers; and may require bond, and approve the security.

§ 9. Provision shall be by by-laws for the annual election by stockholders of a board of directors of not less than three nor more than five; and such elections shall be annually held; each share of stock shall entitle the holder to one vote at elections of directors.

§ 10. All officers elected under this act shall hold their offices until their successor is duly qualified.

§ 11. The provisions of this act shall only apply to the Eighth Congressional District.

§ 12. The power to alter, amend, or repeal this charter is hereby reserved by the Legislature.

§ 13. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1794.

AN ACT authorizing the Judge of the Spencer County Court to appoint Trustees for the Town of Taylorsville when vacancies occur.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Spencer county court is hereby authorized to appoint trustees for the town of Taylorsville when a vacancy or vacancies, on account of failure to qualify, or from any cause, may exist; and they shall hold their offices until their successors are elected and qualified: *Provided*, That the appointees shall have

1871. the same qualifications required under the charter of said town.

§ 2. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1795.

AN ACT for the benefit of Nelson Whitaker, of Mason County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and is hereby, authorized to draw his warrant on the Treasury in favor of Nelson Whitaker, of Mason county, for fifty-seven dollars and ninety-two cents, balance due him and assistant for conveying John Hughes, a lunatic, from Maysville to the Western Lunatic Asylum.

§ 2. This act to be in force from its passage.

Approved March 21, 1871.

CHAPTER 1796.

AN ACT for the benefit of Wm. D. Dye, of Lincoln County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor draw his warrant on the Treasury in favor of Wm. D. Dye, of Lincoln county, for the sum of twenty-nine dollars, expenses for carrying a lunatic to Western Lunatic Asylum.

§ 2. This act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1797.

AN ACT fixing the rate of Freight and Tolls on the North Middletown and Mt. Sterling Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act, entitled "An act regulating freight and tolls on the Paris and North Middletown Turnpike Road," approved February 18th, 1871, be, and the same are hereby, made applicable to the North Middletown and Mt. Sterling Turnpike Road.

§ 2. This act shall be in force from and after its passage, and shall supersede all acts and parts of acts inconsistent therewith.

Approved March 21, 1871.

CHAPTER 1798.

1871.

AN ACT to amend an act, entitled "An act to authorize the city of Newport to supply itself and others with pure water, and to establish Water-works," approved January 26th, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of facilitating the construction, completion, and extension of the water-works authorized to be constructed by said act, approved January 26th, 1871, whenever, at any time before the completion of said water-works, and the furnishing of water to the citizens of Newport, or thereafter, in the opinion of the city council of the city of Newport, it shall be deemed to be the interest of said city to sell, convey, and dispose of the same, or any part thereof, not including, under any circumstances, the supply, main, and distributing pipes connected with said works, used to supply said city of Newport with water, to any individuals, trustees, or corporation, either in or out of the State, they are hereby authorized to do so: *Provided*, That in case of any such sale, transfer, or conveyance, provision is made by contract for the proper and full supply of the city of Newport with pure water for all purposes; said contract shall be based upon an equitable pro rata cost of pumping, storing, and supplying the same to the distributing pipes, and shall not exceed the maximum price at which said supply of water shall be furnished by the purchasing party to the city council or board of water-works trustees of the city of Newport, of five cents per one thousand gallons of water; and no charge howsoever shall be made for water used for extinguishing fires, the supply of the public buildings, or other public use: *And provided further*, Such sale or transfer shall in nowise convey from the city council of the city of Newport, or the board of water-works trustees, in the before mentioned act authorized to be elected, the control or regulation of the rates or charges for water to consumers thereof in the city of Newport; neither shall the rates or charges for water to consumers in said city, in case of such sale, ever be higher than is now charged by the water-works board of Cincinnati, or may hereafter be charged for similar service of water to citizens or consumers of water in the city of Cincinnati, or other city that may purchase said works, and be supplied with water therefrom. The price contracted to be paid for said water-works, or any portion of the same, shall not be less than their actual cost, or the cost of such portion, and the sum received be applied to the liquidation of the debt authorized to be created by said act. The rights, powers, and immunities conferred on the city council of Newport by said act, to acquire, construct, and operate said water-works and appurte-

1871. nances, except as to condemning lands, issuing bonds in the name of the city of Newport, levying a tax on the property of the citizens of the city of Newport; also to control, manage, and extend the supply and distributing pipes, to manage the water-works fund of the city of Newport, and fixing and regulating the rates of charges for the supply of water to the citizens and consumers of water of the city of Newport, and such other powers as are inherent to the proper management and control of the above, and which are hereby expressly reserved to said city council or board of water-works trustees of the city of Newport, shall, in case of such sale, transfer, or conveyance, provided for in this amendment, inure to, and be conferred upon, the purchaser, in like manner and as fully as they are by said act conferred upon said city.

§ 2. Upon the completion of the construction of the aquaduct and bridge across the Ohio river authorized to be constructed by the above cited act, it shall be lawful to collect tolls for traffic across the same; the said tolls shall be for similar traffic, the same or no more, than is now allowed by law to be charged by the Newport and Cincinnati Bridge Company for traffic across their bridge.

§ 3. This act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1799.

AN ACT to amend the Charter of the Beargrass Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Beargrass Transportation Company," approved 25th January, 1868, be so amended as to authorize said Beargrass Transportation Company to construct, maintain, and operate branches of their railway, with switches and turn-outs, from some suitable point on the line of their route, to or in the direction of Middletown, Kentucky, and also from some suitable point on the line of their route, to or in the direction of Jeffersontown, Kentucky; and for said branches may procure right of way, sites for turn-outs, depots, sheds, stables, or other needed structures, according to the provisions of chapter 103 of the Revised Statutes.

§ 2. That said Beargrass Transportation Company are authorized and empowered to sell and convey, or to lease or let their said railway or branches, or any portion of either, to any other company, upon such terms and condi-

tions as may be agreed upon between said companies; and said Beargrass Transportation Company is also authorized and empowered to buy or lease the line of any street railway in the city of Louisville, with the consent of the general council, or any portion of any such line, upon terms to be agreed upon, and to operate the same subject to the terms of the contract of such company with said city.

1871.

§ 3. This act to take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1800.

AN ACT to incorporate the Kentucky Baptist Historical Society.

WHEREAS, The General Association of Kentucky Baptists, at its last annual session, May, 1870, appointed a committee, whose duty it should be to organize an historical society for the purpose of collecting and preserving such documents and other historic material as may illustrate the progress of religion, and especially the history of Baptist churches in Kentucky; and whereas, the object of said association is most laudable, and of public benefit, in furnishing a special contribution to the history of the Commonwealth; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Rev. L. W. Seeley, D. D., Rev. T. J. Stevenson, E. H. Black, M. D., J. Russell Hawkins, M. D., R. W. Scott, Thomas Rodman, and D. Howard Smith, members of the aforesaid committee, and such others as may associate with them for the purpose aforesaid, be, and they are hereby, constituted a society and body-politic and corporate in law, by the name and style of the Kentucky Baptist Historical Society; and that they and their successors, and such other persons as shall be legally elected by them, shall be and continue a body-politic and corporate by that name forever.

§ 2. That the members of said society shall have power to elect such officers as they may deem necessary; and that said society may, from time to time, establish rules for electing officers and members, and also appoint times and places for holding meetings: *Provided*, That the president, corresponding secretary, and executive board of said society, shall be elected at its annual meeting, which shall be held at the time and place at which the General Association of Kentucky Baptists shall convene in its annual session.

1871.

§ 3. That the said society shall have one common seal, and may break, alter, and renew the same at pleasure; and as a body-politic and corporate, by the name aforesaid, shall be capable in law to take and hold real and personal estate by gift, grant, devise, or otherwise, not to exceed twenty thousand dollars in value, exclusive of library and museum, and to alien and convey the same, or any part thereof; and may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth. The property of said company, not exceeding five acres of land and the library, shall be exempt from State, county, or town taxes; and said company may issue bonds of such denominations as they may deem proper, not exceeding in the aggregate the sum of ten thousand dollars, with coupons attached, and may secure the payment of the same by mortgage on any property of said company.

§ 4. That said society may elect honorary and corresponding members residing either within or without the limits of this Commonwealth; and shall have power to make rules and by-laws for the government of its members and managing its property not repugnant to the Constitution and laws of this State or of the United States; and may expel, disfranchise, or suspend any member for unworthy conduct.

§ 5. That a majority of the members of the executive board shall reside in the county in which the archives and library of said society are kept, and that said archives and library shall be kept in the city of Frankfort until otherwise ordered by a vote of two thirds of the acting members at a regular annual meeting of said society.

§ 6. That Rev. L. W. Seeley, D. D., be, and he is hereby, authorized and empowered to call the first meeting of said society, at such time and place in the city of Frankfort as he may designate; and that said society, when thus convened, may elect officers and members, prescribing the terms of membership, and do all things necessary to carry out the purposes of the society until its first annual meeting shall be held.

§ 7. This act shall take effect and be in force from and after its passage.

Approved March 21, 1871.

CHAPTER 1801.

1871.

AN ACT for the benefit of A. W. Nickell, Sheriff of Johnson county, and his sureties, for the year 1867.

WHEREAS, There was a judgment in the Franklin circuit court in favor of the Commonwealth of Kentucky, and against A. W. Nickell, sheriff of Johnson county, and B. F. Salyer, J. C. Castle, P. Stumbough, Fred. Stumbough, and Ben. Stumbough, his securities for the revenue of said county, for the year 1867; and whereas, there was issued on the 16th day of July, 1869, an execution on said judgment, which execution was placed in the hands of J. W. Hilton, sheriff of Johnson county, who proceeded to levy on and sell the lands of Benjamin Stumbough and Philip Stumbough, which lands were bought by the Commonwealth of Kentucky by her agent; and whereas, it is represented that the said securities desire to pay off said judgment and redeem their said lands; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when A. W. Nickell, sheriff of Johnson county, and his securities for the revenue of said county for the year 1867, or any one for them, shall pay off in full the principal, interest, costs, and all attorney's fees of a judgment in the Franklin circuit court against them for said revenue of 1867, that the damages against them in said judgment shall be released, and the lands sold on said execution shall stand redeemed: *Provided, however,* The privilege of redemption granted in this act shall expire in two years after its passage.

§ 2. This act shall take effect and be in force from its passage.

Approved March 21, 1871.

CHAPTER 1802.

AN ACT to amend the Charter of the New Castle and Carrollton Turnpike Road, approved 4th February, 1858.

WHEREAS, It is deemed expedient by a majority of the stockholders in said road, that the management thereof should be controlled by two sets of directors instead of one, and that each set should be independent of the other, and the one in nowise to be responsible for the actings and doings of the other; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the portion of said road lying in the county of Henry, and extending to the Carroll county line, shall be owned by the stockholders resident in Henry county, and

1871. controlled by a board of directors elected by them; and that portion lying within the county of Carroll shall be owned by the stockholders residing in that county, and controlled by directors elected by them.

§ 2. The stockholders upon either end of said road are only to receive dividends or profit from the proceeds of the road they respectively represent; and hereafter each company may erect toll-gates in accordance with the requirements of the charter; collect tolls, not to exceed the rates now allowed by law, and use the same in the improvement of the road, for the defraying the necessary expenses thereof, and in payment of dividends to the respective stockholders in said road.

§ 3. The terms of the charter, so far as the same is not altered by this amendment, are to govern each board of directors; and all elections for the separate boards are to be held at the time indicated in the original charter, and at such places as may be designated upon the lines of the respective roads.

§ 4. It shall be discretionary with said boards whether the proceeds and profits of said roads shall be divided among the respective stockholders, or be used in the extension of the two roads: *Provided*, That no stockholder shall receive any dividend or profit from any portion of the road outside of, the county in which he resided at the date of his subscription, and the shares only of those who resided in Henry county at the date of subscription shall belong to the Henry portion of the road; and only those who resided in Carroll at that time shall belong to the Carroll end.

§ 5. The name of said road shall remain as it now is; but the jurisdiction of the separate directors shall only extend to the Carroll line, as designated above; each board to be wholly independent of each other, and in nowise to be responsible for the acts or defaults of each other.

§ 6. This act to be in force from its passage.

Approved March 21, 1871.

CHAPTER 1804.

AN ACT to further increase the resources of the Sinking Fund of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for warrants and other process, issued by the clerk of the Louisville city court for a violation of license ordinances, or process in the proceedings thereunder, to be executed by an assistant license

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inspector of said city, and his service thereof shall have the same effect as if done by the marshal of said court; and it shall be the duty of said clerk to issue such process, directed to an assistant license inspector, whenever requested by an assistant inspector to do so.

§ 2. The commissioners of the sinking fund shall have power to regulate the salaries of its officers.

§ 3. That the commissioners of the sinking fund of said city be, and are hereby, authorized to purchase from the city of Louisville the stock in the Louisville Water Company which said city has purchased of individual stockholders, upon such terms as may be agreed upon between the parties.

§ 4. That the general council of the city of Louisville shall have authority to levy and collect a special tax or license on express and insurance companies, having an office or an agency in said city, not exceeding three hundred dollars per annum, which shall be paid into the sinking fund of said city and become a part thereof.

§ 5. That the commissioners of the sinking fund may, when they are unable to purchase the city's bonds at a reasonable price, purchase as an investment United States bonds, Kentucky State bonds, first mortgage bonds of the Louisville and Portland Canal Company, or stock in the Louisville Gas Company.

§ 6. The commissioners of the sinking fund shall deposit the funds in their hands as commissioners in some bank incorporated by the General Assembly of this Commonwealth, and doing business in the city of Louisville, after the bank selected shall have given a bond, with good and sufficient security, to secure to said commissioners the payment of all moneys, and other things of value deposited by them with said bank; and upon such bond recovery may be had for any breach of the conditions thereof, by suit in any court of competent jurisdiction.

§ 7. That the general council shall, in the month of October of each year, elect a commissioner of the sinking fund, to fill the place of the commissioners whose term of service expires that year; and in the event the council fail to elect in that month, then the election shall be made by the commissioners themselves. If a commissioner shall die, resign, or from any other cause there shall be a vacancy in the office of the commissioners of the sinking fund, the same shall be filled by the board of commissioners of the sinking fund at a regular meeting of said board.

§ 8. This act shall take effect from its passage.

Approved March 21, 1871.

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CHAPTER 1805.

AN ACT to except Clark County from the provisions of an act, entitled "An act in relation to submitting questions of Taxation to a vote of the People."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act in relation to submitting questions of taxation to a vote of the people," approved March 17th, 1870, be, and the same is hereby, repealed, so far as it may or does affect Clark county; and that said county be, and is hereby, excepted from the provisions of this act.

§ 2. This act shall be in force from and after its passage.

Approved March 21, 1871.

CHAPTER 1807.

AN ACT to authorize the Trustees of the Town of Cloverport to sell and convey parts of certain Streets.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Cloverport are hereby authorized to convey to H. O. Frank, his heirs or assigns, a portion of Front street, and also a portion of Third cross street where it intersects said Front street, which said trustees may deem sufficient for mill purposes.

§ 2. This act shall be in force from its passage.

Approved March 21, 1871.

CHAPTER 1808.

AN ACT to amend the Charter of the Elizabethtown and Paducah Railroad Company, approved March 5th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That copies of the records, books, and papers of said company, certified by the secretary to be correct, under the corporate seal of said company, may be read as evidence of the contents of said records, books, and papers, in all the courts of this Commonwealth, with the same effect that the original records, books, and papers would have.

§ 2. Whenever it shall appear in any proceeding for the condemnation of land, or other thing, under the provisions of said charter; that different persons claim title

thereto, or adverse interests therein, that the court in which such proceeding may be pending shall order the damages which may be assessed for the use of such land or other thing, or any interest therein, which shall be so adversely claimed, shall be paid into the circuit court of the said county, to be there held until the adverse claims are litigated or so settled that it shall clearly appear who is entitled to said damages.

1871.

§ 3. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1809.

AN ACT to extend the corporate limits of the Town of Hazelgreen, in Wolfe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Hazelgreen be, and they are hereby, extended, so as to include all the persons and property included in the following boundary, viz: Beginning at the crossing of Red river on the road leading from West Liberty to Campton; thence up said river one hundred poles; thence a straight line to the Morgan and Wolfe county line, so as to include the cemetery grounds of Hazelgreen in said boundary; thence running with said cemetery line to the head of the right hand fork of the School-house branch; thence down said branch, so as to include the residence of John Robinson, to the State road; thence a straight line to Red river at a point one hundred poles below the ford of said river, mentioned as the beginning; thence up Red river, with its meanders, to the beginning.

§ 2. That said boundary shall, and the same is hereby, made the corporate limits of said town of Hazelgreen; and the inhabitants and property in said boundary shall be subject to the by-laws, rules and regulations, of the town of Hazelgreen which are now in force, or which may hereafter be enacted by the legally authorized authorities of the town of Hazelgreen.

§ 3. This act shall take effect from and after its passage.

Approved March 21, 1871.

1871.

CHAPTER 1810.

AN ACT to amend the Charter of the Town of New Castle, Henry County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judge of the town of New Castle, Kentucky, shall have power to order a meeting of the "Board of Trustees" of said town of New Castle, Kentucky, as often as twice a month. He shall give notice to the clerk for said town of New Castle, Kentucky, to summon said "Board of Trustees" together; and any of said "Board of Trustees" who shall fail to attend upon such notification, shall be fined not more than \$2, which fine shall be discretionary with said police judge, who shall have the power of imposing said fines.

§ 2. All acts in conflict with this act are hereby repealed; and this act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1811.

AN ACT to provide for the collection of Railroad Tax in Montgomery County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of Montgomery county, at any regular or special term of the county court of said county, to appoint a suitable person as collector and receiver of any railroad tax which may be levied upon the taxable property of said county, to pay stock subscribed on behalf of said county, who shall receive compensation for his services as shall be agreed upon by said collector and receiver and said county court, not exceeding one per cent. upon the amount of taxes which may be received by him. Said collector and receiver shall execute bond, payable to the Commonwealth, in sufficient penalties, and with good securities, to be approved by said county court, conditioned for the faithful collecting (as required by this act) and paying over the amounts collected, and for the proper performance of all his duties under this act.

§ 2. That it shall be the duty of the persons upon whose property in said county railroad taxes may be levied, to pay the amount thereof to said collector and receiver, at his office or place of business in Mt. Sterling, between the 15th of July and 25th of November of each year. Each tax-payer shall receive from the collector and receiver a certificate of the amount of tax paid by him to the collector and receiver at the time of payment; and all such

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payments shall be transferable by indorsement; and any certificate or certificates amounting to fifty dollars shall entitle the holder to one share of stock in the railroad company for which in which the taxes may be levied by the presiding judge or county court of said county.

§ 3. It shall be the duty of said collector and receiver, within ten days after the 25th of November of each year, to list with the sheriff of the county the railroad tax lists remaining unpaid, whose duty it shall be to collect the same, with ten per cent. damages added to each list as compensation to the sheriff for making the collections; and in making said collections, the sheriff shall have the same powers as are given collecting officers by the 7th section of an act, entitled "An act to authorize the counties of Bourbon, Nicholas, and Fleming to subscribe stock in the Maysville and Lexington Railroad Company, Northern Division," approved February 1, 1868, subject to the right of redemption in case of sale by the sheriff of real estate to pay said taxes, as is given by the 7th section of said act.

§ 4. It shall be the duty of the sheriff, when collections shall be made by him, to give the tax-payer a certificate of the amount paid by him, setting forth in such certificate what amount is tax and what damages; which certificates, when amounting to fifty dollars in tax (exclusive of damages), shall entitle the holder to one share of stock, as provided for by the second section of this act. He shall have seventy days from the time the tax lists are received by him to collect and pay over the taxes listed with him for collection to the collector and receiver; and shall be subject to the same penalties and amercements for a neglect of duty as sheriffs are subject to for a failure to collect and pay over the State revenue; and the remedy shall be by motion in the county court in the name of the collector and receiver against the sheriff and his sureties in his official bond, or by suit in the name of the collector and receiver upon said bond in the Montgomery circuit court.

§ 5. The money received by the collector and receiver shall be paid over by him to the railroad company; and he shall take said company's receipt for the amount so paid, and the company's obligation to the county court of Montgomery to issue stock to the tax-payers, upon the surrender of the tax receipts in sums of fifty dollars, or even shares of stock; and he shall procure stock for tax-payers, who shall leave their own or assigned certificates with him for that purpose, in sums of fifty dollars; and he shall indorse on the railroad company's receipt and obligation the amount of stock issued.

1871. § 6. This act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1815.

AN ACT to amend the Charter of the Town of Millersburg, in Bourbon County.

WHEREAS, The trustees of said town have lately purchased from Thomas Pollock an iron cage for the purpose of making their town prison more secure, and for which they owe said Pollock three hundred and seventy dollars—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of said town may, in their discretion, and if to them it seem advisable, within four weeks from the passage of this act, levy upon each one hundred dollars' worth of taxable property liable to taxation for town purposes in said town, according to the last list returned by the assessor, a tax sufficient to pay said debt of three hundred and seventy dollars to said Pollock, and the probable cost of its collection, including cost of advertising.

§ 2. The collector shall, upon the levying of said tax, advertise in one of the newspapers published in the city of Paris, calling on the tax-payers to meet him at his office in said town to pay their said taxes; and if any of said taxes shall remain unpaid on the first Monday in June next, the collector may collect the same by distress and sale at public auction on Main street, in said town, and in the day-time, of the goods and chattels of the persons charged therewith, returning the overplus, if any, to the owner.

§ 3. That at the end of each month, from the time said tax is levied till the entire tax is collected, the collector shall pay over to the treasurer the whole amount of said tax then collected; and the board of trustees, at their next meeting thereafter, shall make an order paying the same to said Pollock.

§ 4. The board of trustees shall, by an order, provide for paying the collector for collecting said tax, which compensation shall not be more than ten per cent. of the amount collected, and also for paying the cost of advertising by the collector.

§ 5. That said contract with said Pollock shall be binding upon the successors of said trustees.

§ 6. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1816.

1871.

AN ACT authorizing the County Court of Spencer County to levy a tax in aid of Turnpikes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Spencer county, a majority of the justices being present and concurring, is hereby authorized to levy a tax of fifteen cents on each one hundred dollars' worth of property in said county now subject to State tax, for the purpose of aiding in the construction of turnpikes in said county. They may also levy a poll-tax, not exceeding one dollar, for the like purpose, on all the voters of said county: *Provided*, That before the said tax is levied, a majority of all those voting at the next August, or any subsequent general election in said county, shall vote in favor of said tax.

§ 2. The said tax, if voted, shall be collected by the sheriff of said county at the same time, and in the same manner he collects the State revenue, for which he may be allowed two per cent. out of the turnpike fund collected for his services: *Provided*, That the county court may appoint a collector in each district, or for the entire county, upon such terms as may be agreed on, not exceeding five per cent. on the collections made; an approved bond or covenant, with securities, to be taken in either case, and shall be liable to suit in name of Commonwealth, for the benefit of the county, for failure to settle on the first of January of each year with county court.

§ 3. Authority is hereby given the county court to appoint a treasurer of the turnpike funds, and compensate him therefor. He shall give bond, with approved security, in double the sum to be collected, and shall be liable to suit in the name of the Commonwealth for the benefit of the county for failure to settle with the county court by the first of February of each year. Any surplus funds on hand the county court may, a majority of the justices being present, loan out on approved securities.

§ 4. No money shall be paid out of the turnpike fund, except on the order of the court, in the regular succession in which application is made, with proper record and proof of the same.

§ 5. When a company or individuals shall have made one or more miles of pike, with a grade not over four degrees, and not less than sixteen feet wide, well rounded up, with ten inches in depth of stone or gravel well laid and macadamized, twelve feet wide, and proof of the same by affidavit of the president or individuals doing said work, and of one or more viewers appointed by the court, shall be made, then such company or individuals shall be entitled to receive seven hundred and fifty dollars (\$750) for

1871. each mile of road so completed, and for every fractional part of a mile not less than one fourth, a proportionate sum ; and the county court shall, on application of the company or individuals as aforesaid, with proof as aforesaid, issue an order to the treasurer of the fund to pay out of the same to the company or individuals named the sum of seven hundred and fifty dollars for each completed mile of pike made, and a proportionate part for each fraction of a mile not less than one fourth; and provided, that no turnpike less than four miles in length shall receive aid.

§ 6. Like notice shall be given of the election herein authorized, and like return as is given of the regular elections, and the same officers shall count the vote.

§ 7. Not more than three levies shall be made under this act, and for three successive years.

§ 8. The sheriff or collecting officer shall give a printed receipt to each tax-payer for the amount of tax paid ; and said tax-payer, or his assignee, shall be a stockholder in said road to the amount of tax paid, and quarter, one half, and whole-share certificates shall be issued therefor on demand; said receipts and certificates shall be transferable on delivery by indorsement.

§ 9. This act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1817.

AN ACT to amend the Charter of the Town of Brooksville, in Bracken County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Brooksville, in Bracken county, be, and the same hereby is, so amended as to hereafter prohibit hogs from running at large upon the streets or sidewalks, or outside of the inclosure of the owner within the corporate limits of said town ; and that hereafter any person or persons who shall suffer or permit their hog or hogs to run at large within said town shall be subject to a fine of one dollar for each and every hog, and for each and every time they shall be thus suffered or permitted to run at large in said town.

§ 2. It shall be the duty of the police judge of the town of Brooksville, upon information given him, or upon his personal knowledge of a violation of the provisions of this act by any person, to issue his warrant against the person or persons owning said hog or hogs, causing said person or persons to appear before him, giving to said person or persons not less than five days' notice of the time and place of trial ; and, upon a conviction of a vio-

lation of the provisions of this act, shall be adjudged to pay the sum of one dollar for each hog, and for each offense, as prescribed by the provisions of this act.

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§ 3. All fines growing out of a violation of this act shall be collected in the same manner as penalties in other cases now provided for by law; all fines collected under this act shall be paid over to the treasurer of Brooksville, and to his successor in office, for the benefit of said town.

§ 4. All warrants and summons issued in pursuance of this act may be executed by any of the officers now authorized by law to execute similar processes in other cases.

§ 5. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1818.

AN ACT to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in the Town of Calhoon, or within two miles thereof," approved March 21st, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in the town of Calhoon, or within two miles thereof," approved March 21st, 1870, be, and the same is hereby, repealed.

§ 2. That before the county court of McLean county shall be authorized to grant license to any tavern-keeper or other person to sell spirituous, vinous, or malt liquors in the town of Calhoon, or within two miles of the limits thereof, on the north side of Green river, a majority of a full board of trustees of said town shall, in writing, signed by each, request the same to be done.

§ 3. That the trustees of said town of Calhoon may levy a tax upon each tavern in said town at which intoxicating liquors are sold, not exceeding fifty dollars per annum, and upon each saloon or coffee-house selling liquors a tax not exceeding one hundred and fifty dollars per annum, which shall be in addition to the tax now imposed by the laws of the State. The tax thus levied by said trustees shall be paid into the common school fund of said town district, and shall be set apart for the purpose of building, or aiding in building, a common school-house in said town; and when a suitable building shall be thus secured, the tax thereafter arising under the provisions of this section shall vest in the trustees of said town for town purposes.

§ 4. That the trustees of said town of Calhoon may, at any time within three years from the passage of this act,

1871. upon giving reasonable notice, such as they shall deem proper, submit to the voters of said town, and those living within two miles thereof, the question of granting license to sell spirituous or intoxicating liquors within said boundary; which election shall be held as other elections are now required to be held and conducted under the municipal regulations of said town of Calhoun; and if a majority of votes cast shall be against granting license, then it shall be unlawful for the county court of McLean county, or the trustees of said town, to issue license to any tavern-keeper or other person, for the purpose of selling intoxicating liquors in said town, or within two miles thereof.

§ 5. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1819.

AN ACT to amend the Charter of the Big Sandy Navigation and Improvement Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Big Sandy Navigation and Improvement Company," be so amended as to add the following named persons to the list of incorporators, viz: Crittenden Cecil, Thomas J. Owens, and James Honaker, who shall have all the rights and powers of the corporators named in the original bill; and it shall require a majority of all the corporators named to authorize the opening of books to receive subscriptions to the stock of said company.

§ 2. That all the rights granted by the charter incorporating said company are to be forfeited, unless the work of improving the navigation of said streams mentioned shall have actually been commenced within one year from the passage of this act.

§ 3. That the powers and rights conferred by this act, as well as the act of which this is an amendment, shall continue for the term of twenty years, and no longer.

§ 4. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1820.

1871.

AN ACT to incorporate the Town of Moses, in Graves County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Moses, in the county of Graves, and State of Kentucky, with the following boundaries: Beginning at the northwest corner of lot No. 11; thence southwest 333 yards; thence southeast 420 yards; thence northeast 333 yards; thence northwest 420 yards to the beginning, be, and the same is hereby, established and incorporated.

§ 2. That W. F. Wooldridge, G. W. Clanton, R. A. Wickle, Monroe Stokes, Marion Lattey, are hereby appointed trustees for said town, and shall remain in office until the first Saturday in May, 1871; and upon the first Saturday in May in each succeeding year the legally qualified voters, voters under the Constitution of Kentucky and of the United States of America, who shall have resided within the town boundaries twelve months, shall meet at such place as is designated by said trustees, and choose five (5) persons by vote to serve as trustees of said town for one year thereafter, and until their successors shall be elected and qualified.

§ 3. That the said trustees and their successors are hereby appointed and established a body-corporate and politic, with power to sue and be sued, to enact ordinances, by-laws and regulations, for the government of said town, not inconsistent with the Constitution and laws of Kentucky or of the United States—not, however, to grant coffee-house license—to levy a tax on the real and personal property within the limits of said town, to appoint an assessor to value the said property, and a collector to collect the tax, to be appropriated by the trustees to meet the ordinary expenses thereof: *Provided*, The tax shall not exceed fifty cents on every one hundred dollars' worth of property, and one dollar on each tithe within the limits of said town.

§ 4. That the said collector herein before provided for shall have power to collect the taxes assessed, and for that purpose may make distress and sale as sheriffs are now allowed by law to collect the revenue of this Commonwealth. The trustees shall require him to give bond, and shall make him a reasonable compensation for his services.

§ 5. That the trustees may appoint a clerk, whose duty it shall be to keep a fair record of the proceedings of the board of trustees; and he shall give public notice by advertisement in said town of any election of trustees, at least ten days before such election; and it shall be his duty to conduct such elections, to determine the qualifications

1871. of the voters, to declare the persons elected, and to record the same.

§ 6. That it shall require the concurrence of a majority of the trustees to exercise the powers granted in this act; and in the event of a failure to make an election as hereinbefore provided, the trustees herein appointed shall continue in office until their successors are duly elected; and the said trustees shall have power to fill all vacancies in their own body occurring between the times of election; and they may change the time of holding elections to suit the citizens of said towns.

§ 7. That at the same times and places of election as hereinbefore provided for, it shall be lawful to elect a police judge and town marshal, who shall hold their offices two years from the date of their election, and until their successors are qualified; said police judge shall have all the powers and qualifications of a justice of the peace within the limits of the town; also receive like fees for like services. The marshal shall have the same powers and qualifications within the limits of said town of a constable, and shall receive the same fees for similar services; said police judge and marshal executing bond and taking oath, as is now required of justices of the peace and constables in this Commonwealth.

§ 8. That the said trustees shall have power to open the streets and alleys of said town, and to grade, pave, and macadamize the same, and to make such other improvements for the benefit of said town as they may see fit and proper, subject to all constitutional safeguards requiring compensation for damages done to private property.

§ 9. Whenever it shall become necessary to amend this charter, or the citizens of the town desire to alter its name, it shall be lawful for the board of trustees to propose the amendments or proposition to change the name, and appoint a day for a vote to be taken by the qualified voters of said town; and if a majority of the votes cast shall be in favor of the proposed amendments or alteration of the name, the same shall be presented to, and, by the consent of the Legislature, shall become a law.

§ 10. That this charter may be amended and added to at the pleasure of the General Assembly.

§ 11. That this act take effect from its passage.

Approved March 21, 1871.

CHAPTER 1822.

1871.

AN ACT to amend the Charter of the City of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of Covington shall have the power to issue and sell or hypothecate, at such rate as it may deem advisable, the bonds of the city of Covington, redeemable and payable, with such rate of interest, not exceeding seven and three tenths per centum per annum, and at such time and places as said council shall determine, to an amount not exceeding one hundred and fifty thousand dollars, to raise money to discharge the obligation of said city as indorser of the bonds known as the Covington and Lexington Railroad bonds, that fall due in the year 1872; and to that purpose exclusively said council shall apply the proceeds of the sale or hypothecation of the bonds hereby authorized.

§ 2. Whenever said city shall have acquired, by purchase or condemnation, any land or materials, for the purpose of opening and establishing, or of widening throughout the whole, or a part of its length, any street, alley, market space, or public square, within said city, said council shall have the power to ascertain the cost or the damages, and the expense incurred by the city in the purchase or condemnation of said lands or materials; and in addition to other taxes authorized by law, to levy, assess, and collect in the same manner, and at the same time that other general city taxes are levied, assessed, and collected, and upon all the property and things within said city that are taxable for general revenue purposes, a tax sufficient in amount to pay said costs or damages, and the expenses incident to such purchase or condemnation; and said council shall apply the proceeds of said tax exclusively to the payment of said costs or damages and expenses.

§ 3. Said council may, by ordinance, direct that the annual city taxes, authorized by law, shall be due and payable, one half on the first day of June, and one half on the first day of December of each year; in which event the law now in force concerning taxation, by said city, and regulating, securing, and enforcing the collection of said taxes, and the remedies and penalties provided, and the powers and duties of officers prescribed by said laws, shall not be repealed nor affected by this act, except that the same shall apply to the several moieties of said taxes, and to the collection, enforcement, and recovery thereof, to the same intent and effect, as to each moiety, when due, at the times aforesaid, that said laws now apply to said taxes, and the collection, enforcement, and recovery thereof when due, as now provided; and said council

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may, by ordinance, so regulate the duties of officers, concerned in said city taxation, as to properly carry into effect the authority herein given.

§ 4. Whenever, by the provisions of the charter of said city, or the amendments thereto, the said council has authority, by ordinance, to require any person confined in the city jail, work-house, house of correction, or house of refuge, to perform any work or task, said council shall have power to require said person to perform such work or task as may be so required outside of said city jail, work-house, house of correction, or house of refuge, upon the streets, or at any place within the corporate limits of said city; and said council may ordain such regulations, and provide and cause to be used such means, as may be necessary and proper for the restraint and security of such persons while so engaged at work, or going to or from the same: *Provided*, That no such persons shall be required to perform such work or task manacled or fettered with chains of iron, or other substance.

§ 5. Said council may, by ordinance, provide for the arrest within said city, by the marshal and policemen thereof, either with or without a warrant, of all felons, common gamblers, rioters, breakers or disturbers of the peace, night-walkers, vagrants, and persons of evil fame, or of disorderly or riotous conduct, and for bringing them before the proper tribunal to be dealt with according to law; and any of said officers may, without a subpoena, summon any person known to him to possess a knowledge of the offense charged, either for the city or the accused, to attend as a witness at any trial before the mayor's court; and such summons, when evidenced by the sworn statement of the officer having made the same, shall have the same force and effect as if it had been made by a subpoena.

§ 6. Instead of ten cents, as now provided for keeping streets in repair, said council shall have the power, annually, to assess, levy, and collect, in the same manner that other taxes are assessed, levied, and collected, a tax not exceeding thirty cents on each one hundred dollars valuation upon all property and things in said city taxed for general revenue purposes, which tax the council shall use exclusively for the purpose of keeping the streets in repair; and also, in like manner, and upon the same property and things, a tax not to exceed thirty cents on each one hundred dollars' valuation, to provide a fund for the purpose of procuring the necessary ground and building, or of purchasing suitable buildings for a city jail, work-house, house of correction, house of refuge, and poor-house, or either of them: *Provided*, That said tax shall not be applied to any other use or purpose; and shall not

be levied after the proceeds thereof, from year to year, shall have amounted in the aggregate to more than fifty thousand dollars.

1871.

§ 7. The mayor's court of Covington shall have jurisdiction, without an indictment, to try all persons charged with petty larceny committed within said city; and persons convicted of said offense shall be imprisoned in the city jail or work-house for any period not exceeding three months, or fined in any sum not exceeding fifty dollars, or both so fined and imprisoned, as the court or jury may determine or adjudge.

§ 8. Said council may, by ordinance, provide for the appointment of a mayor *pro tem.*, in case of the absence or inability of the mayor, and to pay him for his services such compensation as the council may prescribe, and shall deduct the same from the salary of the mayor.

§ 9. That the city of Covington is hereby authorized and empowered to make such arrangements with the proprietor of any turnpike road or other description of highway, as may be agreed on by said city and said proprietors of such highway, for the purpose of placing any portion of any turnpike, or other description of highway, which now lies or may hereafter lie within the boundary of the corporation, under the control of said city; and when such agreement is executed in writing by said parties, and shall be properly acknowledged and recorded in the county clerk's office at Covington, such portion of such turnpikes or other highways shall be under the control of said city, and shall be held by it in the same manner, and be subject to the laws, ordinances, and powers of said city, with reference to the streets therein; and the proprietors of any and all such turnpikes or other highways, whether incorporated or not, shall have full power to make the above contemplated agreement, reserving and excepting therefrom any vested right or rights which they may have under charter or otherwise, and to stipulate therein that said grant to said city shall not, unless they agree to it, operate in any way to impair the right to collect toll for travel on any part of such turnpike or highway so given up to the control of said city.

§ 10. Said council shall have authority, by ordinance or resolution, and without a petition of property-owners, and by vote of a majority of the board, to order the construction or repair of the sidewalks of any street, alley, market space, or public square within said city, and to assess the cost of such construction or repairs in front of each lot or part of lot against said lot or part of lot, or the owner thereof; and the city shall have the same lien, and said tax may be collected, enforced, or recovered in the same manner, as now provided by law.

1871.

§ 11. The persons having the qualifications prescribed by the fourth section of the act approved March 2d, 1850, entitled "An act to amend and reduce into one the several acts concerning the city of Covington," shall be entitled to vote at all charter elections held in said city; any person not possessing said qualifications, who shall vote at any charter election held in said city, or who shall vote more than once at any such election, shall, upon conviction before the mayor's court, be punished by a fine not exceeding fifty dollars, or imprisoned for any period not exceeding thirty days, or both so fined and imprisoned, as said court or jury may determine, for each offense.

§ 12. Appeals from the mayor's court, allowed by law, shall be taken to the Kenton circuit court in civil cases, and in criminal and penal cases to the Kenton criminal court, so long as the same shall be held in Kenton county. That the city council of said city shall have power and authority to indorse or guarantee the payment of any bonds that may be hereafter issued by the school board of said city, not exceeding in amount the sum of one hundred thousand dollars, which indorsement or guarantee shall be made by such officer as the council may direct.

§ 14. That the mayor of said city may, with the advice and consent of the city council of said city, appoint a clerk of the mayor's court, who shall receive such salary as the council shall determine, who shall hold his office for a term of not more than four years, and he may sign process, and exercise all the power that the mayor, as *ex-officio* clerk of said court, may exercise.

§ 15. That the words "Fines for disturbing religious worship, riots, routs, unlawful assemblies, and breaches of the peace, may be assessed by a jury in said court to one hundred dollars," as contained in the sixth section of article six of the act, entitled "An act to amend and reduce into one the several acts concerning the city of Covington," approved March 2, 1850; shall be construed to apply only to cases prosecuted in said court without an indictment, and not as restraining the jurisdiction of said court, which jurisdiction shall be as elsewhere provided in the charter of said city, and the amendments thereto.

§ 16. That this act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1828.

1871.

AN ACT for the benefit of the Levy Court of Henry county.

WHEREAS, It is represented to this General Assembly that the court of claims of Henry county has passed many claims that are thought to be illegal and improper, and by reason of the passage of said improper claims the tax-payers of Henry county have been subjected to great burthens; and further, that said court of claims of Henry county has failed to administer the finances of said county economically; now, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the court of claims of Henry county shall meet in the town of New Castle, on the first Monday in June next, and levy a tax ad valorem of four cents on every one hundred dollars' worth of property in said county, subject to be taxed for revenue purposes, if, in the judgment of said court of claims, it shall be necessary to raise that much in addition to the sum raised by the levy, to pay all the legal and just debts of the county.

§ 2. Said court shall appoint (2) two or more competent persons to inquire into and examine the allowances, and all the acts of the court of claims of Henry county for the last five years, commencing with the year 1865, and examine the sheriff's settlements for that time, and make a full report, showing the settlements with sheriffs and all of the claims that have been illegally or unjustly allowed during said time, and to whom allowed, and if paid, by whom paid. That the tax and county levy so raised shall be applied first to the payment of the claims allowed for the maintenance of the poor, building bridges, working roads, and salaries of officers of the county.

§ 3. The sheriff shall be liable to be motioned, and subject to all the damages for his failure to pay any of the foregoing claims, unless all of the ad valorem tax and county levy raised as above shall have first been by him paid as provided by this act.

§ 4. That in no event shall the sheriff pay out of the present levy an allowance of \$2,000 and upwards, made by the court of claims of the county for the indexing of the deed-books of the county, until it is determined by judicial proceedings that the court had the power to make the appropriation.

§ 5. This act to take effect from its passage.

Approved March 21, 1871.

1871.

CHAPTER 1824.

AN ACT to amend an act, entitled "An act to Charter the Owensboro and Russellville Railroad Company," approved February 27th, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act to charter the Owensboro and Russellville Railroad Company, approved February 27th, 1867, be so amended as to authorize said company to extend their road into Tennessee by the consent, or under the laws of the State of Tennessee; and the said railroad company may receive and enjoy any corporate rights, franchises, and privileges in Tennessee which may be granted to it by the Legislature thereof.

§ 2. That that portion of section sixteen of an act, entitled "An act to charter the Owensboro and Russellville Railroad Company," as refers to the tolls and charges on passengers and freights transported by said company, be so amended and changed as to allow said company to charge per mile, on freight or passengers transported by them, at the same rates as are now allowed to any railroad company in this State; and the tariff of rates so charged shall refer to any number of miles said passengers or freights shall be transported.

§ 3. This act shall take effect from and after its passage.

Approved March 21, 1871.

CHAPTER 1825.

AN ACT to amend an act, entitled "An act in relation to the sale of Spirituous, Vinous, and Malt Liquors in Logan County," approved March 12th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first of an act, entitled "An act in relation to the sale of spirituous, vinous, and malt liquors in Logan county," approved March 12th, 1870, be, and the same is hereby, so amended that it shall be lawful to submit the question of "license" or "no license," as provided for in said act, to the qualified voters of said county on the first Monday in August, 1871, instead of the first Monday in August, 1870, as provided for in the act to which this is an amendment: *Provided*, That notice be given as required in the original act.

§ 2. The Logan county court is hereby authorized, empowered, and required to issue an order at the April term, 1871, of said court, to carry out the provisions of the first section of this act.

§ 3. This act shall take effect and be in force from and after its passage. 1871.

Approved March 21, 1871.

CHAPTER 1826.

AN ACT to incorporate the Kentucky Mutual Benefit Association of Physicians.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Drs. L. D. Barnes, Washington Fithian, John D. Ray, W. D. Armstrong, D. Keller, Joseph Fithian, W. R. Davis, Lewis Perrin, Henry Skillman, D. D. Carter, W. H. Galt, Hugh Rodman, and James M. Keller, and their successors, be, and they are hereby, created a body-corporate, under the name of the "Kentucky Mutual Benefit Association of Physicians;" to have perpetual succession, with the right to obtain, hold, sell, convey, and dispose of every class of property, and to make and retain their capital stock to the amount of one hundred thousand dollars; with the power to confer charities as herein provided, or as the president and directors may determine; and may make contracts that shall be binding, sue and be sued, and transact all business in its corporate name for its corporate purposes; and to use a corporate seal, renewable and changeable at pleasure; and may make by-laws for the government, not inconsistent with the purposes of the corporation or with the laws of the land.

§ 2. The persons herein named, or a majority of them, may constitute a board to do business, and may proceed at pleasure to organize fully and receive as members all physicians of good standing, without reference to age or condition of health, and the wives, children, and families of the same, between the ages of sixteen (16) and fifty-five (55), of good health and sound constitutions.

§ 3. Each person, on becoming a member, shall pay into the treasury of the company the sum of ten dollars (10), to become a permanent fund of the company, and upon the payment of which sum each person shall be entitled to and receive a life membership certificate of such device as the president and directors may prescribe, which shall express on its face the obligations of such member, and the benefits to accrue to the legal heirs of the same in the event of death.

§ 4. The office of the company shall be located at Paris, Kentucky, and the persons above mentioned to whom this charter is granted shall constitute the first board of directors, from whose number they shall elect the officers of the

1871. company, who shall hold their respective offices for the term of two (2) years, or during good behavior, until their successors shall be elected and installed. The election for a new board shall take place two years after the organization of the company under this directory. In the event of death of one or more members of the board, the surviving members shall have power to fill the vacancies; but, at any regular meeting of the association the number of directors may be decreased to not less than seven (7). The board may fix the salary of its officers, and prescribe the duties, and the amount and condition of such bonds as they may require of them; and do all other acts within the purview of this charter, and not inconsistent with law.

§ 5. A majority of the directors alone, or six (6) of them, with the president or vice president, may constitute a quorum to do business; and in the absence of the president and vice president may appoint such officers *pro tem*.

§ 6. The ten dollars (\$10) paid into the treasury by each member, as a permanent fund, may, at the discretion of the president and directors, be appropriated to the erection and endowment of a college for the education of the children of members of this association, or in such other charities as they may direct.

§ 7. In addition to the membership fee of ten (\$10) dollars, there shall be an annual fee of two dollars (\$2) paid into the treasury to assist in paying the expenses of the company.

§ 8. On notification by the secretary of the death of a member, each surviving member shall pay into the treasury, within forty days from date of notice, the sum of two dollars and twenty cents (\$2 20), two dollars of which from each member shall constitute a fund to be paid, within ninety days after death of such member, to the legal heirs of the same; the twenty cents will be used in paying the expenses of the company. The board may have the right to increase the above assessment, for the purpose of payment to the legal heirs of the deceased member, to a sum not exceeding ten dollars (\$10), in addition to the twenty cents: *Provided*, The membership numbers five hundred: *And provided further*, The assessment paid to the heirs of any deceased member shall not exceed five thousand dollars (\$5,000).

§ 9. No part of the stock or interest of any member of this association shall be subject to any debt, liability, or legal or equitable process against them, or which shall alienate this fund from their legal heirs.

§ 10. The president and board of directors shall cause to be made, annually, a full report of the business and con-

dition of the company, subject to the inspection of all of its members. 1871.

§ 11. The by-laws may regulate the time of all regular meetings of the board, and called meetings, and the rules, manner, and form of voting, and regulate all other business not inconsistent with this act; or may fix the rules and principles by which the company may try and expel a member, and adjudicate upon his rights, duties, and forfeitures as a member of said company.

§ 12. If the board choose, they may constitute agencies and branch offices anywhere for the purpose of facilitating the objects of the association; and being of a purely benevolent character, shall be exempt from all State, county, and city taxes.

§ 13. Whenever the board of directors may deem it necessary to raise money for the purpose of carrying out the charitable purposes contemplated in this charter, they may issue bonds of the denomination of one hundred dollars to amount of not exceeding one thousand dollars, with coupons attached, drawing interest at any rate agreed upon, the bonds and coupons payable as may be agreed upon by the board.

§ 14. This act to take effect from its passage.

Approved March 21, 1871.

CHAPTER 1827.

AN ACT to authorize Thomas B. Megowan, Jailer of Fayette County, to appoint a Deputy Jailer.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the jailer of Fayette county be, and he is hereby, authorized and empowered to appoint some suitable person to act as deputy jailer in and for said county; but the time for which said deputy shall be appointed shall not extend beyond the term for which said jailer has been elected.

§ 2. This act shall take effect from its passage.

Approved March 21, 1871.

CHAPTER 1829.

AN ACT for the benefit of the estate of Young E. Hurt, late sheriff of Adair County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. B. Taylor, of Adair county, be, and he is hereby, authorized and empowered to collect by distraint

1871. all taxes of every kind, and all fee bills remaining uncollected on account of the death of Young E. Hurt, late sheriff of said county.

§ 2. That before the said C. B. Taylor shall commence the collection authorized under this act, he shall go before the presiding judge of Adair county and give bond, with good and sufficient security, to faithfully collect and pay over to the proper persons all the moneys authorized to be collected under this act.

§ 3. That this act shall take effect and be enforced for two years after its passage.

Approved March 22, 1871

CHAPTER 1830.

AN ACT relating to the Office of School Commissioner of the City of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the pay of the school commissioner of the city of Louisville for his services, during the school year ending June, 1871, shall be fixed by the mayor, city attorney, and assistant city attorney of Louisville: *Provided*, The amount of said pay shall not exceed the amount of commissions received by the other school commissioners of the Commonwealth.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 22, 1871.

CHAPTER 1831.

AN ACT to prevent the sale of spirituous liquors in Bewleyville on the Sabbath day.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any one, except upon the certificate of a practicing physician, to sell or give any spirituous, vinous, or malt liquors in the town of Bewleyville, in Breckinridge county, or within two miles of said town, on the sabbath day. Any one violating the provisions of this act shall, for the first offense, forfeit and pay the sum of ten dollars, and for every subsequent offense twenty dollars, to be recovered by presentment of a grand jury, or upon information given to a magistrate of the county, or police judge of said town; the money recov-

ered to be paid to the trustees of said town for the improvement of the streets. 1871.

§ 2. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1832.

AN ACT for the benefit of School District No. 34, in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction is hereby directed to certify and order payment to district No. 34, in Kenton county, on the report of the school commissioner of the number of children in said district for the year 1869, between the ages of six and twenty, to be used for the purpose of teaching common schools: *Provided*, That payment shall be made out of any bond fund which is placed to the credit of said county, so far as the said bond fund will pay said allowance.

§ 2. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1833.

AN ACT for the benefit of Thomas Posey, of Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas Posey, of Henderson county, be, and he is hereby, relieved from all disabilities as a minor, so that he may transact his business in his own name, and be invested with all civil rights, privileges, and immunities, except the right of suffrage, and be subject to all the responsibilities of a person twenty-one years of age.

§ 2. This act shall take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1834.

AN ACT for the benefit of Common School District No. 2, Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That N. A. Wilkerson and Joel Chenault be, and they are hereby, authorized and empowered to sell the

1871. school-house and lot of ground in common school district No. 2, in Montgomery, heretofore used and occupied for school purposes by the citizens of said district, and convey the title thereto to the purchasers.

§ 2. Said Wilkerson and Chenault may sell said property on such terms as they deem proper, and are empowered to sue for and collect the money from the purchaser; but the funds arising therefrom must be reinvested in other suitable grounds and property in said district, in some suitable locality for school purposes, and the title thereto to vest in and be held by the trustees of said district, and their successors, for school purposes, and in like manner and for the same uses that the property herein directed to be sold was held; and said investment is to be made by said persons by and with the consent of a majority of the trustees of said district duly elected; and said ground so purchased shall be used by the citizens of said district for the erection of a school-house, and in which to maintain a school under the common school laws of this State.

§ 3. This act shall take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1835.

AN ACT to Charter a Steam Ferry at the Mouth of the Ohio River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That to Powhatan Ellis, W. G. Bullitt, and Richard J. Cocke, is granted a charter to run a steam ferry from their land at the mouth of the Ohio river; and they, the said Powhatan Ellis, W. G. Bullitt, and Richard J. Cocke, may fix the landing of the said ferry, and change the same at pleasure to suit the convenience of the traveling public between a point one and a half miles above the mouth of said Ohio river, on the Ohio river, and one mile and a half below the mouth of said Ohio river, down the Mississippi river. The said ferry thus located to run from said point, both to the city of Cairo, across the Ohio river, and to Bird's Point, across the Mississippi river, to the exclusion of all other ferries within said boundary of one mile and a half up the Ohio river, and one mile and a half down the Mississippi river from the mouth of said Ohio river; and may run the same in conjunction with any ferry or ferries now established, or that may hereafter be established, either at Bird's Point, in the State of Missouri, or at the city of Cairo, in the State of Illinois, and may rent or sell the same to either or both of said ferries, or other-

wise use or dispose of the same in whole or part : *Provided, however,* That a bond, to be approved by the county court of Ballard county, by such lessees or vendees, shall be given as now provided by law ; and they may run a horse-boat or hand-boat or skiff, if they deem it necessary to the accommodation of the traveling public.

1871.

§ 2. The said Powhatan Ellis, W. G. Bullitt, and Richard J. Cocke, and their successors, are hereby created a body-politic, in the name of Ellis Ferry Company ; and by that name may contract and be contracted with, and may sue and be sued, plead and be impleaded, and do all things necessary to the complete enjoyment of the franchise herein granted ; and they and their successors may have a common seal, and may change the same at will.

§ 3. That this act take effect and be in force from and after its passage.

Approved March 22, 1871.

CHAPTER 1836.

AN ACT to amend an act, entitled "An act to incorporate the Henderson German School Association," approved February 5th, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the aforesaid act be amended as follows : That after the word "character," in section nine, the following words shall be added : "*Provided, however,* That the trustees shall determine upon the number of pupils to be admitted, so as not to exceed the accommodations of said school." That the words "shall be deeded to the Trustees of the German School Association of the city of Henderson, and their successors by name," in section eleven, shall be so amended as to read : "shall be deeded to the German School Association of the city of Henderson."

§ 2. That the following sections shall be added to the original act :

"Sect. 17 The board of trustees shall consist of one president and four trustees, who are to be elected by and from among the members of the association, and are to hold their office as follows : At the next annual election for officers of the association there shall be elected one president and four trustees, the president and two of the trustees to hold their office for one year, and the two other trustees to hold their office for two years from said annual election. The four trustees so elected shall, within eight 8) days after their election, by lot, determine which shall hold for one and which for two years ; and at each an-

1871. nual election thereafter there shall be elected one president, to hold his office for one year, and two trustees, to hold their office for two years.

"Sect. 18. All officers of the association to hold their office until their successors are duly qualified.

"Sect. 19. The present board of trustees, to-wit: Jacob Rentlinger, Jno. Reichert, Jacob Held, jr., Phil. Kloninger, and K. Geibel, jr., shall be, and are hereby, authorized to carry out the provisions of the original and this present act."

§ 3. All provisions of the original act in conflict with the provisions of this act, are hereby repealed.

§ 4. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1837.

AN ACT to authorize the County Court of Henry County to publish its proceedings in the County Paper.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Henry county, when sitting as a court of claims, may publish, or cause to be published, in any newspaper published in said county, all of their acts and proceedings each year, while in session, or so much thereof as they may deem proper.

§ 2. Said court may appropriate out of the county treasury the money to pay for such publication.

§ 3. This act to take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1838.

AN ACT for the benefit of the Jailer of Jefferson County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the jailer of Jefferson county shall be authorized to employ four guards, and that the compensation of each guard shall be eighty-four (\$84) dollars per month: *Provided*, That all over two dollars per day of said compensation shall be paid out of the county levy for Jefferson county.

§ 2: This act shall take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1840.

1871.

AN ACT to relieve the Directors and Officers of the Louisville Water Company from service as Grand and Petit Jurors in the County of Jefferson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the directors and officers of the Louisville Water Company be, and they are hereby, exempt from service as grand and petit jurors in and for the county of Jefferson.

§ 2. That this act take effect and be in full force from and after its passage.

Approved March 22, 1871.

CHAPTER 1841.

AN ACT concerning the Revenues due from Wayne County for the year 1863.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John W. Duncan, the collector of the revenue due from the county of Wayne for the year 1863, shall have the further time, until the 1st day of November next, to return his delinquent list for the year 1863, which the county court of said county may receive and allow at any time before that day, and for which, when allowed by the court, the said Duncan shall have credit with the person or corporation to whom the same is payable.

§ 2. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1842.

AN ACT for the benefit of the Franklin Library of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Franklin Library of the city of Covington be, and it is hereby, authorized to sell, lease, or otherwise transfer its real estate, rooms and buildings, together with its library and fixtures, to the school board of the city of Covington; and that said school board be, and it is hereby, authorized to accept the same upon such terms as may be mutually agreed upon between the board of directors of said Franklin Library and said school board.

§ 2. But no such sale, lease, or transfer shall take place without the mutual consent of both said library associa-

1871. tion and said school board; nor shall the board of directors of said library be authorized to make any such sale, lease, or transfer unto said school board, until the terms thereof be laid before a regular or called meeting of the stockholders of said Franklin Library, and be approved by the vote of the owners of a majority of all of the stock, or by their consent given in writing.

§ 3. This act to be in force from its passage.

Approved March 22, 1871.

CHAPTER 1843.

AN ACT to incorporate the Town of Nebo, in Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Nebo, in Hopkins county, with the following boundary: Beginning where the railroad crosses the Princeton road; thence with said railroad to where it crosses Rose creek; thence a straight line to John W. Bone's; thence with M. T. Winstead's line to O. F. Lovan's; thence west, to include P. Burnett, A. C. Baldwin, and R. Rodgers, to the bridge on the Providence road; thence to the beginning, be, and the same is hereby, established and incorporated as a town.

§ 2. That hereafter the fiscal, prudential, and municipal relations of said town shall be vested in four trustees and a police judge, who, by virtue of his office, shall be chairman of the board of trustees, who, together with a town marshal, shall be annually elected on the — Saturday in May, and every two years thereafter, by the qualified voters of said town. The officers conducting and holding the election for magistrates and constable shall also, at the same place and time, conduct and hold the election for police judge, town marshal, and four trustees, and the certificate of said officers shall be evidence of their election.

§ 3. That the police judge, trustees, and town marshal, shall hold their office for two years, and until their successors shall be elected and qualified, who, before entering upon the duties of their office, shall take an oath before some legally authorized officer that they will support the Constitution of Kentucky, and faithfully discharge the duties of their office during their continuance therein.

§ 4. That no person shall hold the office of police judge, trustee, or town marshal, who is not, at the time holding the same, a citizen of said town, and has lived therein three months next preceding his election, and shall be at least twenty-one years of age.

§ 5. That said police judge, trustees, and their successors in office, shall be a body-politic and corporate, and shall be known by the name and style of the Board of Trustees of the Town of Nebo; and by that name shall be capable in law of contracting and of being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all courts and places; and may use a common or private seal, and do all other acts, matters, and things which a body-politic and corporate, having a perpetual succession, can lawfully and rightfully do within the limits of the powers herein granted.

1871.

§ 6. That said board of trustees shall have power over the streets, alleys, and sidewalks in said town, or which may hereafter by them be opened; may direct the improvement of the same in such manner as they may deem most beneficial to the interests of said town. They shall have power and authority to make all necessary by-laws for the regulation and good government of said town, not inconsistent with the Constitution and laws of this State. They shall have power to levy and collect a tax, not exceeding two dollars annually, on every male person over the age of twenty-one years; and also an ad valorem tax on the property of the citizens of said town, both real, personal, and mixed, including everything now taxed for revenue by the laws of this State, and on real estate in said town owned by non-residents of said town, not exceeding annually fifty cents on each one hundred dollars' worth. They shall have power to tax auction sales within said town. They shall have power to declare what are nuisances in said town, and by their order direct the same to be abated or removed, and may impose a fine upon whomsoever may have committed the same.

§ 7. That it shall be the duty of the trustees annually to appoint a clerk, treasurer, collector, and assessor, and such other officers as they may deem necessary, and take from the treasurer and collector bond, with approved security, payable to the trustees of the town of Nebo in such penalty as they may direct, conditioned for the faithful discharge of their duties; and for a violation thereof on the part of either of these said officers, motions may be made or suits brought before any tribunal having jurisdiction, in the same manner, and under the same rules and regulations, that motions are made or suits brought against other officers for failure of duty; and the said trustees shall have power to remove either of them for failure to do their duty, and to appoint others in their place.

§ 8. That it shall be the duty of the clerk to keep a record of the proceedings of the trustees, to draw all orders on the treasurer for the payment of money when

1871. ordered by said trustees, and to issue license for shows, exhibitions, &c., when the treasurer's receipt is presented to him for the amount of the tax, and do all acts which the trustees may legally require of him.

§ 9. That it shall be the duty of the treasurer to receive and keep all moneys belonging to said town, subject, at any time, to the order of the trustees, attested by their clerk, and to render annually to the trustees an account, and oftener, if required by them to do so.

§ 10. That it shall be the duty of the collector to collect all taxes which may be placed in his hands, and pay the same over to the treasurer; and to make out and return to the trustees, within three months after the list shall have been placed in his hands for collection, a report of the amount collected, and who from, and the names of the delinquents, and the amount due from each. Whereupon, the said board of trustees shall have the power, and it shall be their duty, to make an order commanding and requiring the collector to levy upon so much of the delinquent's property, either personal or real, or both (personal first), as may be sufficient to pay and satisfy the amount of tax and costs that may be due; and, in pursuance of which order, the collector shall make the said levy; and, after advertising said property for sale at two or more public places in said town for at least fifteen days, shall thereupon proceed to sell, at some public place, so much as may be necessary to pay the tax and costs thereon, to the highest bidder, to whom the said collector shall give a certificate of his purchase upon his paying the amount bid; which certificate shall entitle the purchaser, his heirs or assigns, to demand from, and receive of, the board of trustees a deed of the conveyance of said property described in said certificate, warranting alone against themselves, at any time after twelve months from the time of sale of said property, unless the owner or owners thereof shall have redeemed the same by paying to or tendering the purchaser, and giving notice to the said trustees of the payment or tender of the amount of said purchase money and costs, and ten per cent. thereon, and the purchaser in all cases paying the expense of making the conveyance; and the trustees shall have a lien upon all property in said town, both real and personal, for the tax; and the collector shall have the power to levy upon and sell personal property for tax without an order from the trustees, and prior to the time appointed for him to return his delinquent list: *Provided*, Non-residents of the county may have two years to redeem real property so sold under the same regulations provided above: *And provided further*, That infants, *femes covert*, idiots and lunatics, may redeem their property within three years after their several disa-

bilities shall have ceased, by paying the amount of tax, costs, and twenty per cent. per annum from the time of sale. 1871.

§ 11. That the police judge shall have criminal jurisdiction coextensive with justices of the peace; and the marshal shall have criminal jurisdiction coextensive with constables; and said police judge and town marshal shall receive the same pay as is now received by justices and constables for like or similar services.

§ 12. That the collector and assessor of said town shall have and receive the same pay as sheriffs and assessors of this Commonwealth receive for similar services; and that the board of trustees shall fix the annual pay of the clerk of said board.

§ 13. This Legislature reserves the right to repeal, alter, or amend this act.

§ 14. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1844.

AN ACT to incorporate the Ashbottom Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and the same is hereby, created, composed of such persons as do subscribe, or otherwise contribute, to the capital stock for the construction of a turnpike or gravel road from such point as they may elect, connecting with some street or road in the city of Louisville, between Second street extended and Preston street; thence east of the House of Refuge grounds or park and the Nashville Railroad, to the graded road near the edge of Ash pond; thence with said graded road to the Louisville and Nashville Railroad; that said company be, and is hereby, declared a body-corporate, under the name and style of "The Ashbottom Turnpike or Gravel Road Company;" and by that name may sue and be sued, plead and be impleaded, and shall have perpetual succession.

§ 2. The capital stock of said company shall not exceed thirty thousand dollars, to be divided into shares of one hundred dollars each.

§ 3. That Dr. Jos. Lilly, John Korfhage, Herman Korfhage, C. Merhoff, Ben. Scherman, W. B. Caldwell, Henry Lyter, E. D. Standeford, Ham. Figg, and Robt. Ernat, be, and are hereby, appointed commissioners, who, or any one of them, are authorized to receive subscriptions to the

1871. capital stock of said company, until a sufficient amount is subscribed to complete said road; but when ten thousand dollars to said capital stock is subscribed, the stockholders are authorized, at such time and place, and in such manner as may be directed by said commissioners, any five of whom may act, to elect a board of directors, composed of seven of its stockholders; said board shall elect a president, secretary, and treasurer; the president shall be one of the board of directors; said board shall hold their offices for one year, and until their successors are elected. In all elections, each stockholder shall have one vote for each share of stock owned in said road.

§ 4. The president and directors of said road shall have power to locate said road, receive releases for the right of way in writing, or to condemn the right of way, procure the necessary rock, gravel, wood, or other material, or the use of any rock or quarry, for the construction or repairing of said road as may be necessary, including bridges and culverts, as provided by chapter 103 of the Revised Statutes, and amendments thereto.

§ 5. When three consecutive miles of said road is completed, said company may put up one full toll-gate at such place as the president and directors may direct, and collect tolls thereat.

6. The president and directors of said company shall have power to receive subscriptions to said road, in work or materials, or in land, and issue stock for the same, and also levy a tax on all the land, not exceeding two dollars for every one hundred dollars in value of all the land in the following boundary, to-wit: Beginning at the city limits and extending on the eastern side of said road when located, not more than one half the distance to the Louisville and Shepherdsville Turnpike Road, running out from Preston street; thence half way between said road to the graded road, except where said dividing line may be more than one half mile from the location of said Ashbottom Road; but in no case shall any land be taxed on the eastern side of said road more than one half mile from said road; thence across said graded road one half mile; and thence, keeping one half mile from said graded road, to the Louisville and Nashville Railroad; thence with the Louisville and Nashville Railroad to the city limits; thence with the same to the beginning. Said taxes may be collected by the sheriff of Jefferson county, or by such other person as the directors of said company may appoint; and that any person appointed by said directors for that purpose shall have all the powers vested by law in the officers whose duty it is to collect the State taxes.

§ 6. That any person subscribing to said road, whose lands are taxed for the same under the provisions of this

1871.

act, shall have credit on their tax list for so much of said subscription as may be paid in at the time of collecting said tax: *Provided, however,* That the taxing clause of this act shall not take effect until the same is ratified by a vote of the majority of the owners of land in said boundary, at an election to be held in the following manner.

§ 7. It shall be the duty of the directors, after their election, to advertise for at least ten days in two of the papers, one in the English and one in the German language, published in the city of Louisville, and also to post bills at the Preston street toll-gate, on the Louisville and Shepherdsville Turnpike Road, and at the intersection of said turnpike with the graded road leading to the Louisville and Nashville Railroad, and at the terminus of said graded road at said railroad, setting forth the time and place of holding said election; said board shall also appoint judges and a clerk of said election.

§ 8. This act shall take effect and be in force from and after its passage.

Approved March 22, 1871.

CHAPTER 1845.

AN ACT to incorporate the Bowling Green and Madisonville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a body-politic and corporate, under the name and style of the Bowling Green and Madisonville Railroad Company; and it shall have all the rights, privileges, and franchises as set forth in the act of this Legislature, entitled "An act to incorporate the Cincinnati, Glasgow, and Bowling Green Railroad Company," approved March 21st, 1870, which said act is hereby adopted as the charter for the corporation herein created, as far as the same is applicable hereto; and it shall govern and regulate all proceedings of said company hereby created.

§ 2. That John C. Underwood, John Burnam, James T. Donaldson, B. C. Grider, James W. Gorin, W. H. Payne, John M. Porter, F. G. Cox, and W. E. Hobson, of Warren county; and T. P. Wand, B. L. D. Guffy, John V. Sprowle, David Biard, John B. Helm, Nat. Porter, Judge Tom. Carson, Clark Porter, and Columbus Neal, of Butler county; and John T. Scott, J. S. Brown, John Murphey, A. K. Bradley, W. L. Gordon, George W. Noel J. B. Earle, Jno. G. Morton, E. G. Davis, O. Waddell, T. J. McEuen, of

1871. Hopkins county, or such of them as may choose to act, are hereby constituted commissioners to open books and receive subscriptions to the capital stock of said Bowling Green and Madisonville Railroad Company, at such times and places, and upon such terms and conditions, as they may deem proper.

§ 3. The capital stock of said company may be any amount not exceeding two millions dollars, necessary for the construction and equipment of said railway, and shall be divided into shares of one hundred dollars each.

§ 4. The location of said road shall be from Madisonville, in Hopkins county, to Bowling Green, in Warren county, on the most practicable route.

§ 5. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1846.

AN ACT to incorporate the Bowling Green, Glasgow, and Greensburg Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a body-politic and corporate, under the name and style of the Bowling Green, Glasgow, and Greensburg Railroad Company; and it shall have all the rights, privileges, and franchises as set forth in the act of this Legislature, entitled "An act to incorporate the Cincinnati, Glasgow, and Bowling Green Railroad Company," approved March 21st, 1870, which said act is hereby adopted as the charter for the corporation herein created, as far as the same is applicable hereto, and it shall govern and regulate all proceedings of said company hereby created.

§ 2. That James T. Donaldson, John Burnam, John C. Underwood, H. H. Skiles, H. T. Clark, George W. Wright, James W. Gorin, D. W. Wright, W. L. Dulaney, and T. H. Hines, of Warren county; and Samuel Brent, Milburn Bybee, T. M. Dickey, W. H. Botts, S. H. Bowles, James Shirley, Jos. R. Garnett, James Bowles, W. R. Redding, and T. C. Dickinson, of Barren county; and B. W. Penick, J. J. Durham, D. T. Towles, E. H. Hobson, D. Hudson, W. H. Chelf, Burr Hazell, Jefferson Henry, Moses Blakeman, and W. H. Edwards, of Green county, or such of them as may choose to act, are hereby constituted commissioners to open books and receive subscriptions to the capital stock of said Bowling Green, Glasgow, and Greensburg Railroad Company, at such times and places, and upon such terms and conditions, as they may deem proper.

§ 3. The capital stock of said company may be any amount, not exceeding two millions dollars, necessary for the construction and equipment of said railway, and shall be divided into shares of one hundred dollars each.

1871.

§ 4. The location of said road shall be from Greensburg, by way of Glasgow, to Bowling Green, on the most practicable route.

§ 5. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1847.

AN ACT to authorize the Board of Trustees of the Town of Danville to borrow money, to pay off the indebtedness of said Town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Danville shall be, and they are hereby, authorized to borrow a sum of money, not exceeding fifteen hundred dollars, for the purpose of paying off the indebtedness of said town; and may agree to pay for same a rate of interest not exceeding ten per cent. per annum: *Provided, however,* That before the same shall be borrowed, an order shall be entered on the record-book of said board to that effect, showing that the same is made with the consent and approbation of a majority of said board.

§ 2. When the same shall be ordered, the chairman of said board may execute the necessary bond or note for the sum borrowed, bearing the rate of interest agreed on, and payable at the time stipulated by the board; and for which the said corporation shall be responsible in their official capacity, and which may be enforced against said town.

§ 3. This act to take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1848.

AN ACT to require the Clerk of the Harrison Circuit Court to index and cross-index certain judgment and order-books in his office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the circuit clerk of the county of Harrison be, and he is, directed to index and cross-index such judgment and order-books in his office as may be directed by the judge of the Harrison circuit court; and when such work shall be completed and approved by the court, said clerk

1871. shall be entitled to a reasonable compensation for his services, to be allowed and paid out of the county levy of said county, not exceeding one hundred and fifty dollars.
- § 2. This act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1849.

AN ACT to amend the Charter of the Town of Murray, in Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Murray, in Calloway county, be, and the same is hereby, amended, so as to authorize the trustees thereof to sell at public or private sale, as they may deem proper, any or all of that part of Walnut street, in said town, lying west of Water street, up to the alley constituting the western boundary of said town. They may also execute proper instrument of conveyance to the purchaser of all the right, title, and interest of the said town and trustees in and to the said property; and the price thereof, when collected, shall be paid to the trustees of the Murray Male and Female Institute, for the benefit thereof.

§ 2. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1851.

AN ACT for the better organization of Public Schools in Elizabethtown, and to establish the Common School District of Elizabethtown, in Hardin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Elizabethtown shall submit to the white voters of the common school district hereinafter described, a proposition to levy a tax, not exceeding (30) thirty cents on the one hundred dollars of taxable property, within said district, subject to taxation for revenue purposes, for the benefit of common schools in said district.

§ 2. The votes upon said proposition shall be polled as is now done in the case of municipal elections in said town, and shall be held in the month of May, 1871, upon some day to be fixed by said board of trustees. Ten days' notice of said voting shall be first given by the chairman of the board, by printed posters posted in five or more

public places in said district. At said poll, the clerk shall record each vote as "For the tax" or "Against the tax," as the case may be; and the poll shall be certified and examined, and the result announced, as provided in case of municipal elections in said town.

1871.

§ 3. If the result of the poll be in favor of the tax, then the board of trustees of said town are hereby empowered to levy a tax, not exceeding the rate hereinbefore specified, upon the property of the whites in said district, which tax shall be assessed and collected as the taxes of said town are now collected; and the officers of said town are fully empowered to make the assessment and collection. The collecting officer shall execute an additional bond to the board of trustees, with good security, to be approved by the board, conditioned for the faithful collection and payment of said money; and the officer and his sureties shall be responsible on said bond for a failure or neglect of duty.

§ 4. At the same time and in the manner that the election is held for a vote upon the taxation herein before mentioned, after similar notice, a vote shall be taken for the purpose of electing a board of education for the Elizabethtown school district, which shall consist of three members, who shall hold said office until the next ensuing election of town officers, and until their successors are duly qualified and elected; and at each annual election of officers for said town thereafter, there shall be elected a board of education for said district by the voters of a majority of all persons who shall be taxed under this act.

§ 5. That the town of Elizabethtown, as incorporated by the Legislature of Kentucky, shall constitute the common school district of Elizabethtown, in Hardin county.

§ 6. The said board of education of the town of Elizabethtown shall be a body-politic and corporate, with powers to contract and be contracted with, sue and be sued, plead and be impleaded, in all the courts of this Commonwealth.

§ 7. The board of education for said district shall have exclusive control of the fund herein before provided for, and of the pro rata of said district from the common school fund; they shall have power to expend said money in the interests of common school education in said district; they shall elect a treasurer, to whom the money collected under this act shall be paid. Said board of education shall make report of their actings and expenditures in the discharge of their duties at least twice in every year; and the same shall be published in some newspaper published in Hardin county. They shall have the exclusive control of the appointment of teachers, regulation of school discipline, course of study, examinations, and other mat-

1871. ters of regulation of common schools in said district; and prescribe terms upon which pupils outside of said district may be received in said schools. They may appoint examiners, and prescribe qualifications for teachers and pupils: *Provided*, They shall not exclude any person from the benefit of said schools who is embraced by the common school laws of this State.

§ 8. The tax hereby authorized may be continued from year [to year]; and the moneys arising therefrom may be applied to the building or the erection of school-houses, or improving the same, and to the payment of teachers, or for any other purpose that may be deemed proper by the board of education as promotive of the schools in said district.

§ 9. The board of education of Elizabethtown district shall have power to take and hold by gift, devise, or purchase, and have conveyed to it, real and personal estate sufficient for common school purposes of said district; to erect buildings necessary and convenient for said schools, or to lease property for that purpose; and all property held by said board of education for said schools shall be exempt from taxation, levy, or distress; and shall not be diverted from school purposes. The treasurer of the board of education shall execute a bond to the board of trustees of Elizabethtown for the faithful disbursement of the school money which comes to his hands, which bond shall be approved by the board of trustees; and said treasurer shall make a report of the [money] received or disbursed by him to the board of education at least twice a year, and at such other times as the board may require; and he shall be liable upon his bond to the board of trustees of Elizabethtown for failure or neglect of duty.

§ 10. The title to the common school-house or seminary property, and grounds, situated on Main cross street in Elizabethtown, shall vest in the board of education for the Elizabethtown district. The board may, in their discretion, sell and convey the same, and invest the money in other property for the benefit of common schools in said district.

§ 11. No part of the money drawn by said district of the common school fund shall be applied or used for any other purpose than to the payment of teachers therein.

§ 12. The board of education provided for and created by this act shall report to the county commissioner as district trustees are required by [law] to report; and shall comply with all the regulations required of trustees.

§ 13. No tax for the purposes herein above described shall be levied and collected in any year that the taxes for ordinary town purposes in the town of Elizabethtown shall exceed thirty cents; or, in other words, when town and

school tax combined shall exceed fifty cents on the one hundred dollars. 1871.

§ 14. No assessment of the property of any negro shall be made, nor any money collected from such for any purpose embraced in this act.

§ 15. This act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1852.

AN ACT to Incorporate the Light's Hill Turnpike Road Company, in Kenton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. Wildt, Edwin Evans, J. Tibbetts, G. S. Light, John Rich, W. P. Devon, and their associates, and such persons as may become stockholders herein, be, and are hereby, created a body-politic and corporate, with perpetual succession, under the name and style of the Light's Hill Pike Company; and in that name may contract, purchase, hold, and convey such personal real estate as may be necessary to effectuate the object of this company; sue and be sued, and generally to do and perform all such acts as is usual for turnpike companies.

§ 2. The object of said corporation is to construct and maintain a turnpike road in Kenton county, from a point on the Covington and Lexington Turnpike, at or near Lewisburg, running west and northwest, crossing the River Hill Pike, and intersecting the Dry Run Pike near Bromley, and which shall be not less than twenty-five feet wide nor more than eighty feet wide, and graded at least sixteen feet, and macadamized ten feet wide.

§ 3. The capital stock shall be five thousand dollars, divided into shares of twenty-five dollars, which shall be payable in such installments, and at such times, as the board of directors may call; and if any installment shall remain due for ten days, the board may collect the same by suit, or may forfeit all payments made for the benefit of the company, and the subscription after forfeiture shall be canceled.

§ 4. That the persons named in the first section of this act, or any three of them, shall act as commissioners to open books and receive subscriptions to the stock; and when not less than forty shares shall have been subscribed, they shall call a meeting of the stockholders, to be held at such place in Covington as they shall appoint, and then the stockholders shall proceed and elect three directors of the company, to serve until the first Saturday

1871. in January thereafter; and all subsequent elections shall be held on the first Saturday in January in each year, and the term of office of the directors shall be one year, and until their successors shall be chosen; one vote for each share held at the time by the stockholders may be given either in person or by proxy.

§ 5. That the corporations of Covington and Ludlow may each subscribe for said stock, not exceeding in amount, one hundred shares, and the said corporations are respectively hereby authorized to subscribe for the same and pay therefor out of their revenues.

§ 6. The said company may locate its road along, and occupy such portions of the county roads and passways, and streets along and in its route, as may be deemed advisable; and when necessary, may proceed to condemn land for right of way, or gravel pits or stone quarries, or for other material to be used in constructing or repairing said road and toll-gate uses by writ *ad quod damnum*, as is provided in cases of turnpikes and plank roads by the Revised Statutes.

§ 7. The directors shall be stockholders, and shall be organized into a board by the selection of one of their own body as president, and may adopt such rules and by-laws for the company as they may deem best to promote its interest; and if all the stock be not taken, and they shall deem more requisite for the company, then they may reopen the books, and receive subscriptions to such amount as they shall consider the company requires; they may appoint and employ such officers, agents, and employees, prescribe their respective duties, and fix their compensation, as in their judgment shall be for the interest of the company; they may change their rules and by-laws, remove and reappoint officers and agents as they may deem expedient, and shall have the care and control of the affairs of the company generally; they may locate and determine where and in what manner the road shall be constructed and maintained.

§ 8. The company shall have the right to erect a toll-gate and collect tolls thereat for the use of the road: *Provided*, The rates at said gate shall not exceed those allowed to turnpike and plank roads by the third paragraph of section 3, chapter 103, Revised Statutes: *And provided further*, That no toll shall be charged and collected until the road shall be constructed one half its entire length, or from the Lexington Pike to the River Hill Pike; and further, that if, at any time, the said road shall become out of repair so as not to be in a traveling condition, then, so long as it continues out of such repair, no tolls shall be collected.

1871.

§ 9. The proceedings of said board shall be kept in a record-book by the secretary; and copies therefrom, signed by the president and attested by the secretary, shall be competent evidence in all courts and places. The company may have a seal which shall be affixed to such certificates, and certificates of stock, and such other papers as the board shall determine.

§ 10. The stock of said company shall be personal estate, and transferable on the books of the company in person or by attorney.

§ 11. That the lands adjoining said road shall be exempt from road tax in said county: *Provided*, The owners thereof shall own stock in said company in amount that six per cent. thereon would be equal to the tax of such land.

§ 12. That the lands of the Commonwealth relating to turnpikes and plank roads, as provided by section second, ninth chapter, [page] one hundred and three, of the Revised Statutes, shall apply to this road.

§ 13. Unless this road be completed within ten years, or at least one half thereof, this charter shall be forfeited.

§ 14. This act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1853.

AN ACT to charter the Boston and Fisherville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a body-politic and corporate for the purpose of constructing a turnpike road from Boston to Fisherville, in Jefferson county, supposed to be about three miles in length, commencing at Boston, and running down Long Run, through the lands of T. Conn, F. B. Smith, Fredrick's heirs, A. J. Conn, J. Carmicle, Mrs. Morehead, and then through the lands of J. Miller, where it intersects the Louisville and Taylorsville Turnpike, near Fisherville, to be known as the Boston and Fisherville Turnpike Road Company; and by that name may sue and be sued, plead and be impleaded, in all courts of this Commonwealth. The capital stock of said company shall be five thousand dollars, to be divided into shares of twenty-five dollars each. The books for the subscription of stock shall be opened by F. B. Smith, A. J. Conn, J. Carmicle, J. Miller, and C. Hoke, or any two of them, who are hereby appointed commissioners for said purpose; they may open the books at any time or place they may designate in Jefferson county, after having given ten days' notice in writing, by posting up advertisements in at least five or

1871. more public places in Jefferson county. When two thousand dollars in work or cash is subscribed, it shall be the duty of the commissioners to advertise and designate some suitable place for an election for all of the stockholders to elect a president and five directors and secretary for said company, and to hold their offices for one year, and to be fully invested with all the privileges and power that is given or invested to officers of other or similar roads.

§ 2. This act shall take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1854.

AN ACT for the benefit of the Police Judge of Caseyville, in Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the police judge of the town of Caseyville, in Union county, to issue attachments, without limit as to amount, in the same class of cases, and under the same conditions and regulations, as the police judge of Uniontown, in said county, is now authorized to do, under and by virtue of the provisions of the present amended charter of said town. And the provisions of the said amended charter of the town of Uniontown, in relation thereto, are hereby extended to the police judge of Caseyville, and shall govern him in his action in relation to the proceedings authorized in this act.

§ 2. This act to take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1855.

AN ACT to prevent Justices of the Peace, in Kenton County, from holding Inquests in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter no justice of the peace in Kenton county shall have any power or authority to hold an inquest, unless the coroner of said county, if within the county at the time, shall have been first notified, and shall have failed to attend within a reasonable time, or unless the condition of the body of the deceased person is such as to require immediate interment; and any justice who shall hold an inquest in violation of the provisions of this act, shall not receive any compensation therefor, and shall

be liable to the coroner of said county for the legal fees for holding such inquest.

1871.

§ 2. That this act shall take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1856.

AN ACT for the benefit of John White, of Henry County.

WHEREAS, John White, a citizen of Henry county, failed to list his property for the years 1865, 1866, 1867, 1868, 1869, and 1870, for taxation; and whereas, said John White did not fail to list his said property for the purpose of avoiding taxation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be authorized and directed to remit the damages imposed by law on said John White, in consequence of his neglect to list his property, as set forth in the preamble to this act, when he shall have paid into the Public Treasury the original amount of taxes due to the State on said property, with ten per cent. per annum interest thereon, and all costs, fees, and commissions adjudged against him in the Henry county court.

§ 2. This act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1857.

AN ACT to amend the Charter of the Hartford Railroad and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whenever the president of said company, by order of the board of directors, shall file an application, in writing, before the judge of the county court of Ohio county, requesting that the proposition to take such amount of stock as may be stated in said application, of the capital stock of said company, to the qualified voters of districts numbers seven (7) and nine (9), in said county, whether said judge shall, on behalf of said districts, subscribe for the amount of stock stated in the application, the said judge may, in his discretion, order an election to be held at each of the voting places in said district, on a day not later than twenty days from the filing of the ap-

1871. plication, and shall appoint judges and all other officers necessary to hold said election.

§ 2. That it shall be the duty of the sheriff of Ohio county to give notice to the officers appointed to hold said election, and to post up a public notice of said election at each of the voting places at least eight days previous thereto; and in case any of the officers appointed shall fail to attend, or refuse to act, others may be appointed to hold said election in the same manner as now provided by law at general elections.

§ 3 That the person acting as sheriff at each of the precincts shall return to the clerk of the county court, within two (2) days after the day of such election, the poll-book of their respective precincts, and on the next day thereafter the county judge and county court clerk shall count the vote, and if it shall be found that a majority of those voting at said election are in favor of the subscription of stock as proposed, the county judge shall order the result of the vote to be recorded, and the subscription to be made by the clerk, on behalf of the two said districts, on the terms specified in the application and order of submission.

§ 4. That if said districts shall subscribe stock as herein provided, it shall be the duty of the county court of Ohio county to issue the bonds of said districts in denominations of not less than fifty nor more than one thousand dollars in payment of said stock, with coupons attached, under the seal of the county, the bonds to be signed by the county judge and countersigned by the clerk, the coupons to be signed by the clerk alone. Such bonds shall be negotiable and payable to bearer in the city of Louisville, Kentucky, at not more than twenty-five years from their date, and shall bear interest at a rate not greater than eight per cent., payable semi-annually in the city of Louisville, Kentucky.

§ 5. That it shall be lawful for the county court to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued, and the cost of collecting said tax on all the real and personal property owned in said districts, now subject to taxation under the revenue laws of the State.

§ 6. That on levying a tax as provided in this act to pay the interest on the bonds, it shall be the duty of the county court to appoint three resident tax-payers of said districts, who shall be styled the Board of Commissioners of the Sinking Fund for said two districts. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn in presence of the court to faithfully discharge their duties according to the best of their skill and judgment; they shall hold their office at the pleasure

1871.

of the court; they shall immediately appoint one of their number treasurer, who shall execute bond, payable to the Commonwealth, with such security as shall be approved by the court, conditioned for the faithful keeping and disbursing of all moneys coming to his hands as treasurer of said board; on which bond suit may be brought, from time to time, by and in the name of the county of Ohio, for the use and benefit of the two said districts, or by any person injured by any breach of said bond, in any court having jurisdiction of the sum claimed in said suit; said treasurer shall be allowed for his services such compensation as may be allowed by the county court, not exceeding one per cent. on the money received and paid out by him. In case of a vacancy in the board, the same shall be filled by appointment of the county court.

§ 7. The taxes levied under the authority of this act shall be collected by the sheriff; but before such sheriff shall be authorized to collect any such tax, he shall execute bond in the county court, with such securities as may be approved by the court, conditioned that said sheriff will promptly and faithfully collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act which may be placed in his hands for collection.

§ 8. The sheriff having in his hands for collection taxes levied under this act, shall have all the powers of distraining and selling personal property which sheriffs have in collection of the State revenue; and when the sheriff shall be unable to find personal property liable to execution or sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situate in the said districts, and sell the same under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on the real estate of the person taxed which shall lie in the districts in which the tax is levied; but the owner of any real estate sold may redeem the same within five years after such sale, by paying the purchase money, and ten per cent. per annum thereon, and all taxes of every description paid by the purchaser, and ten per cent. per annum thereon.

§ 9. The sheriff selling real estate for taxes levied under this act shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, the amount for which it sold, and the date of sale; which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall record the same in a book kept for that purpose; and for which such clerk shall be entitled to charge and collect a fee of fifty cents; and if said certificate is not lodged for record as

1871. herein provided, the land may be redeemed at any time within fifteen years on the paying the purchase money, and six per cent. per annum thereon, and all other taxes paid by the purchaser, and six per cent. per annum thereon.

§ 10. The sheriff collecting the tax under this act shall receive the same compensation as is now allowed by law for collecting State revenue.

§ 11. That one half of the tax levied in any one year shall be collected by the sheriff or other officer in whose hands the same is placed for collection, and paid over to the treasurer of the board of commissioners of the sinking fund within one hundred and twenty days after the same is placed in his hands, and the residue within six months after the first half should have been paid; and if the sheriff or other officer who is authorized by law to collect taxes shall fail or refuse to execute bond within thirty days from the time the tax list is presented to court, such officer thus failing shall forfeit his said office; and thereupon the court shall appoint a collector, who shall execute bond, with approved sureties; and shall have all the powers, and be subject to all the duties and liabilities of the sheriff or other officers in collecting taxes under the revenue laws of the State.

§ 12. That if any sheriff or collector, or other officer, having in his hands for collection taxes levied under this act, shall fail to collect or pay over the same within the time prescribed by this act, such officer or collector shall, with his sureties, be liable for the amount not paid, as required, and ten per cent. thereon, to be recovered on motion, on ten days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

§ 13. That it shall be the duty of the commissioners of the sinking fund to see that the sheriff or other officer or collector collects and pays over the taxes placed in his hands according to law, and to institute legal proceedings against them on their failure to do so. They shall appropriate such moneys, when collected, to the payment of the interest on the bonds of said two designated precincts. They shall, whenever a dividend is declared on the stock of the Hartford Railroad and Mining Company, cause their treasurer to receive and receipt for the same, and pay the interest on said bonds out of it; and when a surplus shall remain, after paying the interest due, they shall apply such surplus to the purchase of the bonds, if they can be purchased at par or below par; and if they cannot be purchased at par, they shall invest such surplus in some safe and profitable manner, and in such way that the

money may be realized when needed-to buy or pay off bonds. 1871.

§ 14. That all taxes levied and collected under the provisions of this act, together with all dividends that may accrue on the stock, shall be, and the same are hereby, set apart and held sacred as a sinking fund, to be only used as provided in this act for the payment of the principal and interest of the bonds issued under the provisions of this act.

§ 15. That all taxes paid under the provisions of this act by any tax-payer of said districts shall be convertible into stock of the company on the presentation of the collector's receipts to the amount of one hundred dollars, which shall be the amount of one share of stock. The sheriff, or other officer collecting the tax levied by this act, shall give a separate receipt for all taxes collected by him under the provisions of this act, which receipts shall be transferable by assignment or delivery, and convertible into the stock of the company as herein provided.

§ 16. All individual stock acquired under the provisions of this act shall be negotiable by indorsement on the books of the secretary; but no interest less than one share of stock shall be assignable on the books of the company.

§ 17. It shall be the duty of the Hartford Railroad and Mining Company to issue one share of stock for each one hundred dollars of tax receipts presented to them, where that amount is presented by one person or corporation.

§ 18. The commissioners of the sinking fund shall keep an exact record of all their actings and doings as such, and their treasurer shall keep a strict and true account of all moneys received and paid out by him, and shall settle his accounts annually with the judge of the county court, which settlement shall be recorded by the clerk of said court.

§ 19. That it shall be lawful for said Hartford Railroad and Mining Company to receive subscriptions to the capital stock of said company, in shares of one hundred dollars each, payable in money or lands; and if payable in land, then the same shall be valued by two persons, one to be chosen by the person offering the land, and the other by the board of directors of said company; and in case of their disagreement, they may jointly select a third person to act as umpire.

§ 20. The said Hartford Railroad and Mining Company shall have the right to hold the fee simple title to all lands received in payment of stock, and sell and convey the same at pleasure.

§ 21. That the said Hartford Railroad and Mining Company may, a majority in value of the stockholders of said company concurring, agree on terms of consolidating their

1871. said company with any other railroad or other company, on such terms as may be agreed on.

§ 22. The board of directors of the Hartford Railroad and Mining Company shall have the right to pass all necessary by-laws and rules for the government of their said company not inconsistent with the provisions of the charter and amendments thereto, and the laws and Constitution of the State of Kentucky.

§ 23. That it shall be lawful for the board of directors of the Hartford Railroad and Mining Company to submit to the judge of the county court the question whether the town of Hartford, in the county of Ohio, shall take stock in her corporate capacity, the amount of stock set out in the application, in which case the judge may, in his discretion, order an election to be held within the corporate limits of said town by the qualified voters thereof, in the same manner as is provided in section first of this act; and in case of the majority of said legal voters of said town shall be cast in favor of said subscription, then the subscription shall be made for said town, and all the preceding sections of this act shall apply to said town in the same manner as they apply to districts or precincts numbers seven and nine in said county of Ohio.

§ 24. In all elections for directors, it shall be the duty of the treasurer of the board of commissioners of the sinking fund to cast the vote of the said two designated precincts, or of the said town of Hartford, that they may severally be entitled to cast under the by-laws and rules adopted by the said company.

§ 25. This act shall be in force from its passage.

Approved March 22, 1871.

CHAPTER 1858.

AN ACT to amend the Charter of Uniontown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Uniontown be, and the same is hereby, amended as follows, to-wit: "The board of councilmen shall have power to issue town script in payment for town liabilities, to be payable in not less than twelve days after date, which script shall be received by the collecting officer of said town in payment for any taxes due from any person to said town.

§ 2. That this act shall take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1859.

1871.

AN ACT for the benefit of Moore Pickle (colored).

WHEREAS, It is represented to this General Assembly that by deed of date the 25th day of November, 1832, George McCormick, then of Henderson county, did emancipate and set free forever his negro man slave, Peregrine Pickle, and the provisions of the law in such case made having been complied with, the Henderson county court, at its November term, 1832, did order that the clerk of said court issue to said Peregrine a certificate of his freedom according to law; and whereas, it further appears that the said Peregrine Pickle owned a tract of land conveyed to him by Benjamin Shackelford, guardian of Geo. Morris, by deed of date June 21st, 1838, which said tract of land is situated in the county of Henderson, and State of Kentucky, in lot No. 11, north of Green river, in Henderson & Co's. grant, contains two hundred acres, and is bounded as follows, viz: Beginning at the mouth of Griffith's creek, into Green river; thence running north 29 degrees, east 400 poles, to a hickory and two ash trees in an old line; thence with said old line westwardly 81 poles to a stake in the same; thence south 29 west 403 poles to a black walnut and red elm on the bank of Green river; and thence up the said river, with its meanders, to the beginning; and whereas, the said Peregrine Pickle has departed this life, having attempted to dispose of the said land by his last will and testament, and that said will did not take effect by reason that the beneficiaries therein were slaves, and the said will was never executed; and it being represented that the beneficiaries therein have departed this life, except a son of said Peregrine, named Moore, and that the said Moore is a man of good character, who has faithfully discharged the duties of his position; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby granted to the said Moore Pickle all the right, title, claim, and interest of the Commonwealth of Kentucky in and to the said tract of land above described, under and by virtue of the laws of escheat, and all the right, title, and interest of the said Peregrine Pickle, so far as the same, and the right to acquire the same, may have vested in the Commonwealth of Kentucky under and by virtue of the statute of escheats.

§ 2. This act shall take effect and be in force from its passage.

Approved March 22, 1871.

1871.

CHAPTER 1860.

AN ACT to amend an act, entitled "An act incorporating the Town of Lawrenceburg."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, approved 22d January, 1868, entitled "An act to amend the act incorporating the town of Lawrenceburg," as confers upon the board of trustees of said town the exclusive right to license all taverns within said town, be, and the same is hereby, repealed; and to the county court of said county is restored all the power on the subject of taverns in said town as by the general laws are conferred upon county courts.

§ 2. So much of said act as affects, or may affect, any of the rights and privileges conferred upon taverns or tavern-keepers in said town by the county court, under the general laws, are hereby repealed.

§ 3. The taxes to be paid for such license as may be granted by the county court shall go as under the general law.

§ 4. This act shall take effect from its passage.

Approved March 23, 1871.

CHAPTER 1861.

AN ACT to amend an act, entitled "An act to amend the Charter of the Louisville and Salt River Turnpike Road Company," approved February 17, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section six of the act mentioned in the caption hereof be, and the same is hereby, so amended as that the president and directors of said company shall have the right to so arrange the collection of tolls at its several gates that it will charge and collect from all persons, vehicles, and property passing its gates, for the distance actually traveled: *Provided*, That the tolls collected by said company from any person, at either or all of its gates, shall be in the same proportion to the rate as for five miles as the distance traveled by the person shall be to five miles.

§ 2. That section eleven of said act be, and is hereby, amended, to-wit: That the president and directors of said company may cause the notice required by said section to persons with fence or fences in the road to be given, whether an effort has or has not been made to arrange and agree with such person for the removal of such fence or fences.

§ 3. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1862.

1871.

AN ACT for the benefit of M. H. Bronaugh, of Christian County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of M. H. Bronaugh for the sum of one hundred and fifty dollars, being the amount due said M. H. Bronaugh for lumber, &c., furnished the Western Lunatic Asylum of Kentucky.

§ 2. The sum hereby appropriated shall be paid out of the general appropriation made to the Western Lunatic Asylum.

§ 3. This act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1863.

AN ACT to amend an act incorporating the Lagrange and Shelbyville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That an act incorporating the Lagrange and Shelbyville Turnpike Company be, and the same is hereby, so amended, that any and all of the original stockholders now owning stock in said turnpike company, and persons residing with them, be, and the same are hereby, exempted from working on the repairs of any county or dirt road, or in opening the same; said stockholders and persons shall, however, work on the repairs of said turnpike when called out to do so by the president of said road. Any of said stockholders or persons residing with them, over sixteen and under forty-five years of age, who shall fail or refuse to work on said turnpike when notified so to do by said president or his agent, without a reasonable excuse, shall be fined two dollars for every day he or they so fail to work thereon, which fine shall be collected by warrant of justice of the peace, and be paid to said company and applied to the repairing of said road. Also all the stockholders of the Brownsboro and Sand Hill Turnpike Road Company, and the stockholders of the Jefferson and Brownsboro Turnpike Road Company, be exempt from the provisions of this act.

Approved March 23, 1871.

1871.

CHAPTER 1864.

AN ACT for the benefit of the Bourbon County Agricultural Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the interest and shares of the shareholders of the Bourbon County Agricultural Society shall be considered and held as personal property, and pass as such by transfer or distribution; and the board of directors of said society shall issue certificates of stock to the present shareholders, and such others as may hereafter become shareholders, which shall be assignable in such manner as said board may direct; and this act shall apply to any future purchases of land by said society; and all the property and estate now or at any time owned by said society shall belong to the shareholders thereof.

§ 2. The amount of each share of stock shall be thirty-three and one third dollars, but may be changed hereafter by said board, provided each share shall not exceed one hundred dollars; and at any meeting of the said society, each share shall entitle the holder thereof to one vote.

§ 3. When such certificates shall have been issued to those persons, or their representatives or assigns, to whom the lands of said society have been conveyed, they shall stand in lieu of said deeds of conveyance; and all the property now or hereafter owned by the society shall be held as the common property of the present and future shareholders and their assigns.

§ 4. This act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1865.

AN ACT authorizing Sheriffs, Administrators, &c., of Simpson County, to give notice of sales as such in the Newspaper published in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the notice of sheriffs, executors, administrators, master or special commissioners' sale of land or personal property in Simpson county, shall hereafter be inserted in the weekly newspaper in said county: *Provided*, That the property to be so advertised in the hands of administrators, executors, master or special commissioners, shall not be less in amount than five hundred dollars in each case, and that the property to be advertised as above by the sheriff, under actual levy in each case, shall not be less than two hundred dollars: *And provided further*, That there shall not be more than three such insertions made in each case, and the charges for said publications shall not be greater than the established rates for adver-

tisements of similar length; the same to be taxed and collected in the bill of costs.

1871.

§ 2. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1867.

AN AOT for the benefit of William Quillin, of Letcher County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Register of the Land Office is hereby authorized to change the name in a patent for one hundred and fifty acres of land lying on Boon Fork, of Kentucky river, in Letcher county, dated 19th day of September, 1861, from Henry Quillin to William Quillin; it appearing that William Quillin is the person for whom the survey was made, and that the name of Henry Quillin was inserted in said survey by the mistake of the county surveyor.

§ 2. This act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1868.

AN AOT to authorize the Stockholders of the Hickman and Obion Railroad Company to elect a new Board of Directors.

WHEREAS, It has been shown to the satisfaction of this General Assembly that a majority of the board of directors of the Hickman and Obion Railroad Company, incorporated by an act of this General Assembly, approved March 9th, 1854, are dead, or have removed from this State, in consequence of which no quorum can be had to transact the business of said company; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the stockholders in the Hickman and Obion Railroad Company, incorporated by an act of this General Assembly, approved March 9th, 1854, be, and they are hereby, authorized and empowered to meet at the City Hall in the city of Hickman, Kentucky, on the third Saturday in May, and elect a new board of directors, who shall have and exercise all the powers and functions vested in the board of directors in said act of incorporation.

§ 2. That Thos. E. Gleeson, Samuel Landrum, John A. Lauderdale, J. H. Dodds, and A. D. Kingman, any three of whom may act, are authorized to hold said election,

1871. and are to be governed by the by-laws and act of incorporation in so doing.

§ 3. This act to take effect and be in force from its passage.

Approved March 22, 1871.

CHAPTER 1869.

AN ACT to incorporate the Glasgow, Tompkinsville, and Cumberland River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James T. Chism, John McPherson, Samuel McPherson, Jesse Nelson, Harmon B. Howard, Thomas Webb, John B. Howard, James B. Evans, Jefferson Gee, Frank Pedigo, Dr. Alfred Maxey, B. F. Dickey, Bennett Watts, Thomas Jones, Meredy Reynolds, Jos. R. Garnett, and C. S. Hill, their associates and successors, be, and they are hereby, created a body-politic and corporate, by the name and style of the Glasgow, Tompkinsville, and Cumberland River Turnpike Road Company, for the purpose of constructing a turnpike road from Glasgow to Tompkinsville, and thence to some point (as the directors may elect) on the Cumberland river; and by that name may sue and be sued, plead and be impleaded, answer and be answered, in all the courts of this Commonwealth; and contract and be contracted with; and make and use a common seal, and alter or renew the same at pleasure; and adopt such by-laws as they may see fit for the government of said corporation, not inconsistent with the Constitution and laws of this State or of the United States.

§ 2. The capital stock of said company shall be thirty thousand dollars, divided into shares of ten dollars each; and books for the subscription of stock in said corporation shall be opened by the persons named in the first section of the bill, or any five of them, at such time and place as they may deem fit; and may appoint commissioners to receive subscriptions of stock; and when there shall be subscribed one thousand dollars in shares, then the company may be organized by the election of a president and four directors, two of said directors to be from Barren, and two from Monroe county; said directors shall have the right to fix and regulate the rates of toll, locate toll-gates, and appoint the keepers of same.

§ 3. That no person shall be eligible to the office of president or director who is not the owner, in his own name or right, of at least ten shares of stock; any such officer disposing of his stock to a less amount than ten

shares shall forfeit his office, and it shall be declared vacant.

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§ 4. The president and directors shall have the power to appoint a treasurer, and such other officers as they may deem proper and right.

§ 5. That said road shall be opened not less than thirty feet wide, and graded and macadamized or graveled such width as the president and directors may think proper.

§ 6. That all the rights and privileges of voting stock by counties, towns, or districts, and the collection of tax for the same; and all other rights, privileges, and franchises granted the Glasgow, Edmonton, and Burksville Turnpike Road Company, be granted to the Glasgow, Tompkinsville, and Cumberland River Turnpike Road Company; and so much of said bill as relates to the subscription of stock by counties, towns, or districts, be made part of this bill.

§ 7. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1871.

AN ACT to print Sheriffs' and Master Commissioners' advertisements of Land Sales in Carroll County in Paper printed in said County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sheriffs' and master commissioners' notice of sales of land in Carroll county, and the delinquent list of said county, shall hereafter be published in the newspaper published in said county, provided the charge for such printing shall not be greater than the customary price.

§ 2. That the charges for printing sheriffs' and master commissioners' advertisements shall be taxed in the bill of costs in each case.

§ 3. This act to be in force from and after its passage.

Approved March 22, 1871.

CHAPTER 1872.

AN ACT to repeal an act, entitled "An act to enable Warren County to construct macadamized and other roads in said County," approved March 9th, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to enable Warren county to construct macadamized and other roads in said

1871. county," approved March 9th, 1868, be, and the same is hereby, repealed.

§ 2. This act to be in force from its passage.

Approved March 22, 1871.

CHAPTER 1873.

AN ACT to amend the Charter of the Town of Irvine.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Irvine, in the county of Estill, shall have power to grant license to persons to keep coffee-houses in said town where ardent spirits may be retailed: *Provided, however,* Before any such license shall be granted, the applicant shall pay the State tax, and execute bond in the county court as now required by law.

§ 2. This act shall be in force from its passage.

Approved March 22, 1871.

CHAPTER 1874.

AN ACT for the benefit of the Trustees of the Town of Shelbyville.

WHEREAS, During the late civil war the trustees of the town of Shelbyville, Shelby county, Kentucky, procured from the State armory twenty Smith & Wesson carbines, to be used for the protection of the town against guerrillas and other marauders, and executed their bond to the State for the return of said guns; and whereas, the room of the court-house in Shelbyville, where said guns were stowed for safe-keeping, has been broken by some unknown person or persons, and all of said guns stolen except nine, without any fault or negligence on the part of said trustees; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said trustees and their successors be, and they are hereby, released from all liability upon said bond, when they have caused the nine remaining guns to be returned to the State armory, and the receipt of the proper officer taken for same.

§ 2. This act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1875.

1871.

AN ACT to incorporate the Hebrew Adath Israel Congregation of the City of Owensboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That S. Moise, M. Sunthimer, B. Baer, Isaac Witelshafer, Sol. Wile, M. Cohn, J. A. Godshaw, L. Laser, and Jacob Weil, the trustees of the Hebrew Adath Israel Congregation of the city of Owensboro, Kentucky, and their successors in office, be, and they are hereby, constituted a body-politic and corporate; and they shall have perpetual succession; and they are authorized to receive by gift, purchase, or devise, such real and personal estate as may be necessary for the full enjoyment of their corporate rights as a congregation, not exceeding ten thousand dollars in value; and they shall have the right to sell or transfer said property at pleasure, and to make such rules and regulations as may be necessary for the government of said congregation not in conflict with the Constitution of this State or of the United States.

§ 2. That said congregation may sue and be sued by the corporate name; and in all suits against said congregation service of process upon its chief officer, and in his absence, on the secretary or treasurer of said congregation, shall be sufficient.

§ 3. That the said congregation shall have power and authority to issue and sell, or hypothecate its bonds, to an amount not exceeding twenty-five thousand dollars, and bearing a rate of interest not exceeding ten per cent. per annum, and payable at such times and places as said congregation may determine, and shall apply the proceeds of such bonds to the purposes of said corporation.

§ 4. That this act shall take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1876.

AN ACT to incorporate the Wayne County Agricultural and Mechanical Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and is hereby, incorporated an association, under the name of the Wayne County Agricultural and Mechanical Society. It shall be the object of said society to aid and encourage the agricultural, mechanical, and stock-growing interests in the county of Wayne and neighboring counties, in such manner as such interests

1871. are encouraged in any of the various associations incorporated in this State to render aid and encouragement to such interests. To this end the Wayne Agricultural and Mechanical Society may acquire, by purchase or otherwise, land, not exceeding in quantity thirty acres ; may hold and use the same, or sell and convey, or exchange the same for other lands ; may have a seal, and alter and change the same at pleasure ; may sue and be sued, defend and be defended, and may do any and all other such acts and things to promote the purpose of said society as are done or authorized to be done by other incorporated agricultural and mechanical societies, companies, or associations incorporated by the Legislature of this State.

§ 2. John Ingram, N. J. Bustin, A. S. Jones, John L. Salle, Loyd A. Lanear, Martin P. Salle, B. W. S. Huffaker, Thomas J. Oatts, and H. H. Gibson, are hereby appointed a board of directors for said society, to act until their successors are elected and qualified.

§ 3. The capital stock of said society shall not exceed seven thousand dollars, and shall be divided in shares of twenty-five dollars ; shareholders shall have one vote for each share owned by such shareholders, to be cast in person or by written proxy. Said society shall annually elect a board of directors (seven in number), who shall elect one of their number a president, a secretary, and a treasurer. The latter shall give bond and security in such sum as the board of directors shall require. Said board are authorized to make and adopt such by-laws and regulations as they may deem necessary for the government and protection of said society, and may clothe their marshals with any authority delegated to the marshals of other similar associations in this State. Said Agricultural and Mechanical Society shall have and enjoy all and singular the corporate rights and privileges granted to any other similar corporation in this State.

§ 4. That said corporators are hereby empowered to issue the bonds of the company, not exceeding two thousand dollars, with which to purchase lands upon which to erect buildings, &c., to carry on said fair ; said bonds, when issued, to be signed by the president of said association, and countersigned by the secretary, and not to bear a greater rate of interest than is allowed by law.

Approved March 22, 1871.

CHAPTER 1877.

1871.

AN ACT to incorporate the Rough and Ready and Camdensville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Gabriel Gaines, Jacob Gudgell, John Major, Geo. W. Catlett, John Humes, Squire T. Willis, Wiley Mountjoy, Bailey Roach, William Stephens, Nat. Harris, and Doctor Roach, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Rough and Ready and Camdensville Turnpike Road Company; and by that name shall have power to sue and be sued, contract and be contracted with; and have and use a common seal, and alter the same at pleasure. The said corporation shall have power and authority to construct, use, operate, and manage a turnpike or macadamized road, from the town of Rough and Ready to the town of Camdensville, in Anderson county; and for that purpose shall possess all the rights, privileges, franchises, and immunities conferred upon the Camdensville, Johnsonville, and Burnt Church Turnpike Company, by the act, entitled "An act to incorporate the Camdensville, Johnsonville, and Burnt Church Turnpike Company," approved February 24th, 1870; and all the provisions of the said act, so far as applicable, are hereby re-enacted and applied to the company hereby created, in as full and complete a manner as if here at length recited.

§ 2. That upon the application of the president and directors of said Rough and Ready and Camdensville Turnpike Road Company, the county court or judge of Anderson county shall levy a tax, not exceeding five dollars on each one hundred dollars in value of all real estate lying within one mile on each side of the line on which said road may be constructed; and such proceedings shall, in all respects, conform to and be regulated by the provisions of the eleventh section of the aforesaid act incorporating the Camdensville, Johnsonville, and Burnt Church Turnpike Company.

§ 3. That the capital stock of said turnpike road company shall not exceed the sum of twenty-five thousand dollars, and shall be divided into shares of twenty-five dollars each, and shall be taken, held, and transferred as personal property.

§ 4. That the persons named as corporators in the first section of this act shall be, and are hereby declared to be, commissioners to open books for subscriptions to the capital stock of said company; and so soon as the sum of two thousand dollars shall have been subscribed, the subscribers shall meet at the voting place in the Palmer

1871. precinct, in Anderson county, and organize by the election of a president and five directors, who shall hold their offices for the term of one year, and until their successors are elected and qualified. The times and places of holding all elections after the first shall be fixed by the board; and a majority of the directors shall, at all times, constitute a quorum for the transaction of business.

§ 5. That this act shall take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1878.

AN ACT to authorize Wm. Green, of Elliott County, to erect a Mill-dam across Little Sandy River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William Green, of the county of Elliott, be, and he is hereby, authorized to build a mill-dam across Little Sandy river, at or near a point on said river known as Green's mills, in said county of Elliott: *Provided, however,* That said dam shall not exceed four feet in height; and for the purpose of erecting said mill and dam, the said Green is authorized to have condemned, not exceeding an acre of land; said land to be condemned as lands are now condemned for turnpike roads in this State.

§ 2. This act to take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1879.

AN ACT to amend the Charter of the New Castle and Kentucky River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fifteenth section of the charter of the Mt. Gilead and Campbellsburg Turnpike Road Company shall apply to this company.

§ 2. That the act to amend an act to allow the citizens of Henry county to vote a tax in aid of turnpikes in said county, approved March 21st, 1870, be, and the same is, so amended as to allow the New Castle and Kentucky River Turnpike Road Company to receive the benefit of said tax law, and be received by the county court of Henry, and be paid, as all other road [taxes] are, out of the turnpike fund, whenever it shall be built with a width

of metal not less than ten feet in width and eight inches in depth.

1871.

§ 3. That upon the application of the president of said road to the judge of Henry county, it shall be his duty to give the president of the New Castle and Kentucky River Turnpike Road Company an order on the treasurer of the turnpike fund for three thousand dollars of the turnpike fund of the county, said president having first given a bond, with good surety, that they will pay to the court for the turnpike fund at the rate of four per cent. per annum for said sum, and will return to said court all that the New Castle and Kentucky River Turnpike Road Company is not entitled to under this act, counting all the road that is completed, whenever said judge of Henry county shall notify the president and directors that all of the turnpike fund is exhausted; and said president and directors shall pay to the court at the rate of fifteen per cent. per annum for all money not due said road or paid back to said court, until either due said road or refunded to the county, after thirty days' notice is given to the president and directors by said court.

§ 4. That the stock subscribed, and the election of president and directors had, shall be legalized, and is in every sense as binding as though it had been in conformity to the charter.

§ 5. This act shall be in force from its passage.

Approved March 22, 1871.

CHAPTER 1880.

AN ACT to amend an act to incorporate the Kentucky River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Kentucky River Turnpike Road Company be, and is hereby, authorized to construct a branch road, beginning at Hayden's corner and running thence to some point on the turnpike leading from Winchester to Boonsborough, between the gate of Philip Nunnally and the intersection of said pike with the Howard's creek dirt road, on such route as may be selected by the president and directors of said company.

§ 2. Said company shall have power to erect a gate and collect tolls on said branch as now prescribed by law.

§ 3. This act shall go into effect from and after its passage.

Approved March 22, 1871.

1871.

CHAPTER 1881.

AN ACT for the benefit of the Pendleton Academy.

WHEREAS, The trustees of the Pendleton Academy at Falmouth, Pendleton county, Kentucky, have, for some years past, been desirous of furthering the educational interests of said county, by erecting an addition to the present academy building, which is highly necessary to meet the growing wants of the community; and having an insufficiency of means on hand to accomplish the desired end, after using their utmost exertions to raise the required amount by private subscription, there is still a deficiency of one thousand dollars; and whereas, it is the wish and desire of a large majority of the tax-payers within the corporate limits of said town that the additions to said academy building be made, and for that purpose are willing, and have so expressed themselves by a petition to the trustees of said town, asking them to appropriate the revenue or income of the town derived from taxes, licenses, &c., for one year, toward the erection of said addition to said building; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Falmouth, Pendleton county, Kentucky, be, and they are hereby, authorized and empowered to appropriate the sum of one thousand dollars out of the revenue of said town derived from taxes, licenses, &c., levied and collected for the year 1871, and pay the same over to the trustees of the Pendleton Academy, or their successors, for the purpose of building suitable additions to the academy building, located in said town of Falmouth, according to the plan and specifications adopted by the trustees of said academy.

§ 2. This act to take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1882.

AN ACT for the benefit of John W. Duncan, Sheriff of Wayne County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts shall allow to John W. Duncan, sheriff of Wayne county, in his settlement for revenue due from said county for the year 1871, a credit for the amount of the delinquent list of said county for the year 1870, which may be allowed by the county court of said county.

§ 2. This act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1883.

1871.

AN ACT supplemental to an act, approved March 14, 1871, entitled "An act amending an act, entitled 'An act incorporating the Bardstown and Bloomfield Turnpike Road Company.'"

WHEREAS, In enrolling a bill, entitled "An act amending an act, entitled 'An act to amend an act incorporating the Bardstown and Bloomfield Turnpike Road Company,'" which bill was approved March 14th, 1871, the word "not" was omitted; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act, approved March 14th, 1871, and the act approved January 26th, 1869, are hereby amended, and the Bardstown and Bloomfield Turnpike Road Company shall not be authorized to sell the interest or stock subscribed to said company by the county court for Nelson county, but a majority of the justices of the peace for said county may, in open court, order a sale of the stock subscribed by said court to the capital stock of said company.

§ 2. This act shall be in force from its passage.

Approved March 22, 1871.

CHAPTER 1885.

AN ACT to repeal the act creating Urania School District, in Barren County;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act, entitled "An act to organize Urania school district, in Barren county," approved February 20th, 1869, be, and the same is hereby, repealed.

Approved March 22, 1871.

CHAPTER 1886.

AN ACT to repeal Section second of an act to amend the Charter of Princeton College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section second of an act to amend the charter of Princeton College, approved January 19th, 1866, be, and the same is hereby, repealed: *Provided*, That nothing herein shall be construed to defeat the right of Princeton College from drawing her part of the common school fund due the school district in which said college is situated for school taught in the year 1870.

§ 2. This act to take effect from its passage.

Approved March 22, 1871.

1871.

CHAPTER 1869.

AN ACT to prevent the sale of Spirituous, Vinous, or Malt Liquors in the Town of DeMossville, in Pendleton County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, it shall be unlawful for any one, except upon the certificate of a practicing physician, to sell or give away any spirituous, vinous, or malt liquor in the town of DeMossville, in Pendleton county, or within two miles of said town; and any one offending against the provisions of this act shall be liable to the penalties denounced for vending spirituous liquors without a license: *Provided*, That the provisions of this act shall not apply to Campbell county.

§ 2. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1890.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors, within one mile of the Glasgow Railroad Depot, outside the corporate limits of the town of Glasgow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons to sell any spirituous, vinous, or malt liquors, or the mixture of either, within one mile of the Glasgow railroad depot, near Glasgow, in Barren county, outside the corporate limits of the town of Glasgow.

§ 2. Any person violating the provisions of this act shall, for each offense, be liable to the penalties denounced for keeping a tippling-house.

§ 3. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1891.

AN ACT to prevent the selling of spirituous, vinous, or malt liquors in Germantown District, No. 4, in Clark county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no person or persons shall be allowed to sell spirituous, vinous, or malt liquors, or mixture thereof, in quantities less than twenty gallons, in Germantown precinct, No. 4, in Clark county.

§ 2. Any person violating the provisions of this act shall be deemed guilty of keeping a tippling-house, and be subject to the penalties imposed therefor.

1871.

§ 3. This act shall be in force from and after its passage.

Approved March 22, 1871.

CHAPTER 1892.

AN ACT to regulate the selling of vinous, malt, or other intoxicating liquors, within Elk Creek Precinct, in Spencer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person within the boundary of Elk Creek precinct, in Spencer county, to sell or give to be drank, or suffer to be drank, any vinous, malt, or other intoxicating liquors, in any quantity less than a barrel.

§ 2. This act shall not be construed to prevent the use of liquors for medicinal purposes on certificate of practicing physicians; nor to prevent the setting of drinks before guests at the family residence in the customary course of hospitality, nor to prevent a party from selling liquors under license for the unexpired time granted from the passage of this act.

§ 3. Any one violating the provisions of this act shall be liable to same penalties as are imposed upon persons guilty of keeping a tippling-house.

§ 4. This act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1893.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in the Town of Middleburg, in Casey County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell or give any spirituous, vinous, or malt liquors in the town of Middleburg, in the county of Casey, or within one mile of said town, in quantity less than five gallons; and any person violating the provisions of this act shall, for each offense, be liable to the penalty denounced by law for keeping a tippling-house: *Provided, however,* That this act shall not be construed as interfering with the rights of persons who may now have license to retail spirituous,

1871. vinous, or malt liquors during the time for which said license may be in force.

§ 2. This act shall be in force from its passage.

Approved March 22, 1871.

CHAPTER 1894.

AN ACT to authorize Edward Hopper to qualify, execute bond, and act as Executor of the last Will and Testament of Seymour Hopper, deceased.

WHEREAS, By the will of Seymour Hopper, deceased, he constituted and appointed his son, Edward C. Hopper, his sole executor; and whereas, said Edward is an infant of twenty years of age, and by existing laws cannot act as executor during his minority; and whereas, said testator reposed implicit confidence in his said son; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for all legal purposes in the execution of the will aforesaid, the said Edward C. Hopper is hereby declared of full age, and every act of his in the execution of said will shall be as binding and obligatory as if he had been an adult at the time of the performance of said acts.

§ 2. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1895.

AN ACT to restrict the granting of license to sell spirituous, vinous, or malt liquors, and the sale thereof, in the Town of Leitchfield, or within two miles of the Court-house therein.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for the county court of Grayson county, and for the trustees of the town of Leitchfield, to grant a license to any person to sell by retail any spirituous, vinous, or malt liquors in said town, or within two miles of the court-house therein, except the county court may grant license to merchants, druggists, and distillers, to sell in quantities not less than a quart, to be taken away and not drank on the premises, or adjacent thereto.

§ 2. That if any person shall, without a license therefor, sell by retail any spirituous, vinous, or malt liquor in less quantities than ten gallons in said town, or within two miles of said court-house, he or they shall be liable to the penalties now prescribed by law for retailing spirituous, vinous, and malt liquors without license, and proceeded

against as now provided for by law: *Provided*, That such persons as now have license shall not be liable while such license is in force. 1871.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved March 22, 1871.

CHAPTER 1896.

AN ACT to amend an act, entitled "An act to incorporate the Cincinnati, Covington, and Cumberland Gap Railroad Company," approved March 11, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the railroad company named in, and the charter granted by the act and amendment named in the title to this act, be, and the same are hereby, revived, with perpetual corporeal rights as granted therein.

§ 2. The commissioners named in the acts and charter revived by the first section hereof, or such of them as will act, shall have three years from the passage of this act in which to open books for the subscription of stock in said company.

§ 3. That whenever there shall be taken and subscribed ten thousand dollars of bona fide solvent and unconditional stock in said company, the commissioners named in the act to which this is an amendment, or such of them as may act, may proceed to organize the company by the election of officers, and to expend the stock so subscribed in having an actual geological and mineralogical survey of the route, and of the mineral lands lying within six miles of it; and in obtaining further subscriptions to said company, but for no other purpose whatever; but said company shall not have the right or power to proceed to construct said road, or any part of it, until they shall have obtained a solvent and bona fide subscription of one million of dollars, to be ascertained as provided for in the third section of the original act to which this is an amendment.

§ 4. That when the ten thousand dollars of stock named in the last section is subscribed the company may organize, and may coerce the subscription to that amount, or so much thereof as may be necessary to make the surveys aforesaid, and a bona fide effort to obtain other stock; but said company shall have no right to begin work or contract for the construction of said road, or any part thereof, until it shall have obtained bona fide subscriptions to its capital stock to the amount of three millions of dollars.

1871. § 5. That this act shall take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1898.

AN ACT for the benefit of J. C. Calhoun, Sheriff of McCracken County.

WHEREAS, By the fifth section of an act, entitled "An act in relation to the collection of railroad taxes in McCracken county," approved January 26th, 1866, it is made unlawful for the county court to receive a delinquent list from any collector after the January term next after his appointment; and whereas, said Calhoun was railroad tax-collector for 1869, and thus compelled to levy on lands for said taxes; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it is and shall be lawful for said Calhoun to advertise and sell all said lands levied upon for taxes and now due, as though he had followed in regard to selling the aforesaid act, approved 26th January, 1866; and it shall be the duty, as in said act, for the county judge to attend said sale or sales, and make purchase as therein required.

§ 2. And said Calhoun may, and it is hereby made lawful for him to, return a delinquent list as though the act approved January 26th, 1866, had not been passed.

§ 3. This act to take effect and be in force from its passage.

Approved March 22, 1871.

CHAPTER 1900.

AN ACT to incorporate the Green River Synod of the Cumberland Presbyterian Church in Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Rev. J. W. Poindexter, moderator, and Rev. M. M. Smith, stated clerk, and all the members of the Green River Synod of the Cumberland Presbyterian Church, and their successors, be, and they are hereby, constituted a body-corporate, under the name of the Green River Synod of the Cumberland Presbyterian Church in Kentucky; and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, hold, sell, lease, and transfer real estate and personal property for educational and religious purposes.

§ 2. That said Green River Synod of the Cumberland Presbyterian Church in Kentucky shall have power, at their regular annual meetings, to nominate and elect five trustees, members of their own body, or of the Cumberland Presbyterian Church in this State, who shall have a supervisory control of the property interests of said corporate body; and by themselves, or agents appointed by them, may, on behalf and in the name of the said Green River Synod, solicit and receive donations and contributions for the purposes mentioned in section one of this act; and to make contracts for real and personal property; such contracts to be valid and binding only when ratified by the said synod at a regular meeting; and may issue bonds, with coupons attached, payable in five years, to aid in paying for said property, the coupons payable every six months. 1871.

§ 3. That said trustees shall elect one of their own number as treasurer; and shall make, in writing, their report to said synod at each annual meeting thereof.

§ 4. This act shall take effect and be in force from and after date of its passage.

Approved March 22, 1871.

CHAPTER 1902.

AN ACT to incorporate the Eminence Agricultural and Mechanical Association.

WHEREAS, Divers persons of the town of Eminence and surrounding country, in this Commonwealth, have organized an association, under the name and style of the Eminence Agricultural and Mechanical Association, for the purpose of promoting agriculture, including not only the cultivation of the great staples of industry and trade, but also of fruits, vegetables, and ornamental gardening; the promotion of the mechanic arts in all their branches; the improvement of the races of all useful and domestic animals; the general advancement of rural economy and household manufactures, and the dissemination of useful information on these subjects; and for that purpose have adopted a constitution and by-laws, and chosen a president and vice presidents, and twelve directors, to control and manage the affairs thereof, and have applied to the General Assembly for an act of incorporation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said association be, and it is hereby, created a body-politic and corporate, with perpetual succession, under the name and style of the Eminence Agricultural

1871.

and Mechanical Association; and by that name may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity; and shall be capable of acquiring, by purchase or otherwise, any quantity of land not exceeding forty acres; and may improve and sell and convey the same, or any part thereof, at pleasure; and may acquire, hold, and dispose of such personal estate as the president and directors of said association may deem necessary and proper. The said association may adopt and use a corporate seal, and alter the same at pleasure, or may use the seal of its president for the time being.

§ 2. That the president and directors already chosen as aforesaid shall continue in office until the second Saturday in May, and until their successors are duly elected and qualified; an election, however, of a president and vice president and twelve directors shall be had on the second Saturday in May, by the qualified members of the association, and annually thereafter, unless the members of the said association, at said annual election, shall, by resolution, fix upon a different day; and they may, at their annual election, reduce the number of directors.

§ 3. The prudential, fiscal, and other concerns of said association, together with all its estate of every kind, shall be under the control and management of the president and directors aforesaid; and they shall have power to appoint a treasurer and secretary, and such other inferior officers as they may deem necessary in carrying out the purposes of said association; and they may require of such inferior officers, or either of them so elected, bond, with good security, for the faithful discharge of his or their duty; said president and directors shall have power to make such regulations and by-laws, not inconsistent with the Constitution and laws of this Commonwealth, as in their opinion may contribute to the good order and management of the association, and may, from time to time, modify and repeal the same at pleasure; they shall have power to contract and be contracted with, in their corporate name, and do any and every other act not inconsistent with the Constitution and laws of this Commonwealth.

§ 4. Any seven members of the directors, together with the president or vice president, shall be a quorum for the transaction of business, unless the association shall fix on and require a different number.

§ 5. That said association, in its corporate capacity, with all the estate belonging thereto, shall be liable for any debts that may hereafter be contracted by it, or by its authority.

§ 6. That all the real estate of said association, improvements thereon, or which may be put thereon, as

well as the income and proceeds thereof, and the entire control and management of the same, shall belong to, and be controlled by, the stockholders of said association, according to the provisions of the constitution of said association. Each stockholder shall receive a certificate of stock, which may be transferred as other estate.

1871.

§ 7. The board of directors shall have the power to select a police force to preserve good order upon the grounds of the association during the holding of any fair or fairs; which police force, so selected, shall be clothed with the same jurisdiction as constables in this Commonwealth.

§ 8. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1903.

AN ACT to incorporate the Farmers' Bank of Webster.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a saving and deposit bank in the town of Dixon, in Webster county, with a capital of fifty thousand dollars, in shares of one hundred dollars each, which may be by the board of directors increased to one hundred thousand dollars, to be subscribed and paid for as hereafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and corporate, by the name and style of the Farmers' Bank of Webster, and shall so continue for fifty years from its organization; and shall be capable of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and being answered, and defending in all courts and places whatever; it may have a common seal, and alter and change the same at pleasure.

§ 2. Said bank shall be under the control of five directors, each of whom shall be a stockholder; they shall be citizens of this State; and after the first election shall be elected annually on the second Monday in January in each year, and hold office until their successors are elected and qualified; they shall elect one of their number as president; and shall hold regular meetings at such times as may be fixed by the by-laws; and other meetings may be had whenever deemed necessary; and in case of death or resignation of any director, the vacancy shall be filled by the board of directors. The directors shall have power to receive subscriptions for so many of the shares of the stock of said company remaining unsold as they may at

1871. any time choose to sell ; to declare dividends of profits arising out of the business ; and to appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums as wages and salaries, and take from them such bond to secure the faithful performance of their duties, as they may think proper and reasonable ; and at every election of the stockholders each share shall entitle the holder to a vote. The stock shall be deemed personal property, and shall be assignable upon the books of the bank according to such rules as the board of directors shall from time to time establish ; but said corporation shall have a lien on the stock to secure any indebtedness by the stockholders, unless otherwise agreed upon by the president or cashier of said bank and the party or parties purchasing said stock ; which agreements shall be reduced to writing.

§ 3. H. H. Smith, H. H. Brooks, C. C. Hardwick, Geo. P. Cosby, G. P. Cosby, Thomas Jackson, Laborn Rice, Isaac Watson, J. F. Orr, C. W. Cook, James Bailey, P. D. Clayton, M. C. Givens, J. A. Jenkins, S. B. Wallace, James Johnson, J. H. Parker, Thomas K. Givens, B. Watson, and Jeff. Holman, are hereby appointed commissioners, any three of whom may open books and receive subscription for the capital stock ; and when two hundred and fifty shares have been subscribed, it shall be their duty to give notice in one newspaper published in Henderson, or some other paper, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing annual election. The payments for the shares shall be as follows : Five dollars on each share at the time of subscribing, and twenty dollars within ten days of the election of the first board of directors, and the residue in installments of twenty-five dollars on each share every thirty days : *Provided*, That after twelve thousand and five hundred dollars shall have been paid, the board of directors shall have power to prolong the time for the payment of the residue ; and should any of the subscribers fail to pay for their subscription as herein provided, after giving notice of their intention in some newspaper for thirty days, the directors may, by resolution entered on their records, forfeit such stock, and resell the same at such time as they may think expedient ; and all partial payments made on any stock which shall be then forfeited, shall be held for the benefit of the corporation. Said corporation may commence business as soon as twelve thousand and five hundred dollars shall have been paid in, and the president and directors first elected shall have made oath before some justice of the peace or notary public of the fact of said payment.

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§ 4. Said bank may receive deposits of gold, silver, bank notes, and other notes which may be lawfully circulating as money, and repay same in such manner, and in such times, and with such interest, not exceeding six per cent. per annum, as may be agreed upon with the depositors, by special or general contract; may deal in the loaning of money, exchange, promissory notes, and other securities of debt; take personal and other securities for the payment thereof, and dispose of the former as may be agreed upon, in all respects as natural persons may do under the law; and the promissory notes made negotiable and payable and discounted at its banking-house, or at any incorporated bank, and inland bills, when such promissory notes and inland bills have been discounted by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers, indorsers, and other parties thereto; and in no case, when loaning money, shall a greater rate of interest than ten per cent. be charged thereon. Nor shall anything contained in this act be construed to authorize this bank to charge a greater amount, including exchange and discount, than ten per centum per annum on any bill, bond, note, or other obligation, discounted or purchased by it.

§ 5. The said corporation may acquire, hold, possess, use, or occupy, and enjoy all such real estate, goods and chattels, as may be convenient for the transaction of its business, or which may be conveyed to it as security for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; and they may make any by-laws for their government as they may deem necessary: *Provided*, The same is not inconsistent with the laws or Constitution of this State or of the United States.

§ 6. It shall be the duty of the president, on the first day of January in each year, to pay into the Treasury fifty cents on each one hundred dollars' worth of stock subscribed, to be a part of the revenue proper of the State, which shall be in full of all tax or bonus.

§ 7. If the cashier, teller, or other officers, shall appropriate any of the funds of said corporation to his or their own use, or shall willfully fail to make correct entries, or knowingly make false entries on the books of the bank, with intent to cheat or defraud the corporation, or any other person, or conceal any improper appropriation of funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail or penitentiary of this Commonwealth for any period not less than two nor more than twenty years.

1871. § 8. It shall not be lawful for said bank to issue any note or bill to be passed and used as money.

§ 9. The General Assembly shall have power to examine, by any committee they may think proper, the affairs of said bank.

§ 10. This act shall take effect from and after its passage; but the General Assembly reserves the right to amend, modify, or repeal the same at pleasure.

Approved March 22, 1871.

CHAPTER 1904.

AN ACT to amend an act, entitled "An act to incorporate the Louisville, Harrod's Creek, and Westport Railway Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 1 of an act, entitled "An act to incorporate the Louisville, Harrod's Creek, and Westport Railway," approved March 19th, 1871, be so amended as to constitute and appoint the following named persons as commissioners under the said act, with full power and authority as such to carry out the provisions thereof, viz: John T. Bate, Clarence S. Bate, Robert T. Bate, Abram Blankenbaker, J. C. McFerran, James S. Bate, jr., Charles Rudd, John B. McFerran, James Callahan, J. C. Metcalf, Thos. E. Richards, Wm. F. Harris, J. F. Allison, Wm. F. Barret, Jas. W. Bowles, of Jefferson county; and S. B. Steele, Richard Waters, — Buffenneyer, Gov. R. T. Jacob, Henry Button, T. R. Pinkston, and Dr. S. C. Yager, of Oldham county.

§ 2. This act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1905.

AN ACT for the benefit of R. T. P. Allen and his securities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. T. P. Allen, Commandant of the Kentucky Military Institute, and his securities, be, and they are hereby, released from the obligations of a covenant executed by them to Fayette Hewitt, Quarter-Master General of Kentucky, and from all damages named by reason of any breach of said covenant, which bears date third day of May, 1869; said covenant having been executed for the return of certain arms and accoutrements, all of which

have been returned, with the exception of an inconsiderable number, which have been unavoidably lost or destroyed.

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§ 2. That this act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1906.

AN ACT to amend an act to incorporate the Eagle Petroleum and Mineral Company, approved February 10, 1865.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jas. M. Trimble, F. J. Yager, John A. Trimble, and their associates and successors, shall be the corporators and directors of this company, under the name and style of the Curdsville Coal Company.

§ 2. That the capital stock of said company shall not exceed fifty thousand dollars.

§ 3. When ten thousand dollars of said capital stock shall be paid in, said company may organize for business.

§ 4. So much of the original act as conflicts with this amendment is hereby repealed.

§ 5. This act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1907.

AN ACT to incorporate the Leesburg and Clay's Cross Roads Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That David Hume, John F. Cantrill, Thomas Curran, Jos. Hawkins, Levi Suddeth, and William Hearne, be, and they are hereby, incorporated as a body-politic and corporate, under the name and style of the Leesburg and Clay's Cross Roads Turnpike Company; and are hereby invested with all the powers incident and usual to such corporations, for the purpose of building and making a turnpike road from the neighborhood of the White school-house, on the Leesburg and Newtown Turnpike, to connect with the Paris and Georgetown Turnpike, at or in the neighborhood of Clay's Cross Roads.

§ 2. The capital stock of said company shall not exceed the sum of thirty thousand dollars, to be divided in shares of fifty dollars each; and the corporators above named, or any of them, may open books and receive subscriptions to

1871. the stock of said company; and whenever the sum of twenty-five hundred dollars shall be subscribed, said stockholders may meet at any time and place they may select and proceed to the election of officers of said company; said officers shall consist of a president and five directors, who shall have power to appoint a secretary and treasurer, and compel the treasurer to execute bond for the faithful performance of his duties as such.

§ 3. The provisions of the Revised Statutes of Kentucky concerning turnpike roads, so far as they are not inconsistent with the provisions of this act, are hereby made a part of this charter.

§ 4. This act to be in force from its passage.

Approved March 22, 1871.

CHAPTER 1908.

AN ACT for the benefit of School District No. 49, in Monroe County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Superintendent of Public Instruction shall draw his warrant upon the Auditor of Public Accounts in favor of the trustees of common school district No. 49, in Monroe county, for one hundred and twenty-two dollars and sixty-one cents, the share of the school fund for the year 1870, to which said district was entitled to receive if a school had been taught therein. The Treasurer is directed to pay said sum upon said order out of the school fund belonging to said county for that year; and said trustees may, if they deem it proper so to do, apply and use the said money in building a school-house in said district.

§ 2. This act shall take effect from its passage.

Approved March 22, 1871.

CHAPTER 1909.

AN ACT for the benefit of W. H. Stanley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to issue his warrant on the Treasury in favor of Wm. H. Stanley for the sum of thirteen dollars and twenty cents (\$13 20), and the Treasurer is instructed to pay the same out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1910.

1871.

AN ACT for the benefit of School District No. 7, of Henry County.

WHEREAS, Common school district number 7, of Henry county, did hire a teacher for said school for the time required by law for forty dollars less than the amount due said school district from the common school fund ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the commissioner of common schools for Henry county be, and is hereby, authorized to draw said sum of forty dollars, and pay the same to the trustees of district No. 7 of said county, to be by them used for the purpose of completing their unfinished school-house in said district.

§ 2. This act to take effect on and after its passage.

Approved March 22, 1871.

CHAPTER 1911.

AN ACT to amend an act, entitled "An act to incorporate the Town of Pleasureville, in Henry County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the town of Pleasureville, in Henry county," approved on the 24th day of February, 1842, that the same be, and is hereby, amended as follows: That the boundaries begin at a planted stone in the southwest corner of the yard belonging to the family residence of John I. Hall ; thence north 50 poles ; thence east 220 poles ; thence south 100 poles ; thence west 220 poles ; thence north to the beginning.

§ 2. The trustees of the town of Pleasureville shall have the exclusive right to license and tax all taverns, groceries, coffee-houses, restaurants, nine or ten-pin alleys, or bowling saloons, within the limits of the town of Pleasureville, except gambling-houses and houses of ill-fame, and to fix the tax on the same in a sum not to exceed one hundred dollars per annum, and to discontinue said license at pleasure. No person to whom a license shall be granted shall ever enjoy the privileges conferred thereby until he shall have executed to the trustees a bond as now or shall be required by law, and taken the oath, and obtained a receipt from the clerk of the board of trustees for the amount of tax which may be imposed ; for a violation of any of the conditions of the bond he shall be liable as by

1871.

existing laws: *Provided, however,* That the trustees of said town shall pay to the trustee of the jury fund for said county the sum required by law for each tavern license so granted; and any law giving to the county court of said county authority to license taverns and places where spirituous or fermented liquors are sold in said town, is hereby repealed.

§ 3. If any person, licensed vendor of spirituous liquors, shall sell, or permit to be drank upon his premises, any spirituous, vinous, or malt liquors on the Sabbath day, on conviction thereof, shall be fined by the police judge of said town in any sum not less than ten dollars nor more than fifty dollars; one half of said fine to go to the informer, and the other half to be paid into the treasury of said town; and on conviction a second time of a similar offense, shall, in addition to the fine above imposed, have his license taken away, which may be done by an order of the said judge; and said trustees shall have no power to renew the same for the term of one year from the date of the order.

§ 4. All fines hereby imposed shall be collected as now provided by law; and all forfeitures shall be enforced by proper orders of the judge of said town.

§ 5. That there is hereby established in the town of Pleasureville a court, to be called the police court of Pleasureville, the judge and marshal of which shall be elected by the qualified voters residing within the corporate limits of said town on the first Monday of August, 1872, and the judge every fourth year thereafter, and the marshal every second year thereafter; the said elections shall be duly advertised by posting notices thereof in three or more conspicuous places within said corporation at least ten days before the day on which said election is to be held.

§ 6. That the persons authorized by law to hold elections of trustees or other officers in the town of Pleasureville, shall have full authority to hold the election for judge and marshal, and shall, within three days after such election, certify to the Governor of this State the result thereof, who shall thereupon issue a commission to the police judge elect, in the manner now prescribed by law; and the said commission, with the affidavit of said judge for the proper discharge of his duties indorsed thereon, shall be recorded in the clerk's office of the Henry county court.

§ 7. Said police judge shall reside within the corporate limits of the town of Pleasureville, and shall hold his office for four years, and until his successor is qualified; and whenever a vacancy occurs in said office, by death or otherwise, it shall be filled by an election for the remainder of the time, upon due notice of the time and place of

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election; and before he enters upon the duties of his office he shall take an oath before some judicial officer to discharge the duties of his office faithfully and impartially, without favor or affection, to the best of his skill and ability, together with such other oaths as are required of public officers, or such as the by-laws of said town may require.

§ 8. That the said police judge shall have jurisdiction in all civil actions in the town of Pleasureville in which the amount in controversy, exclusive of interest and costs, does not exceed one hundred dollars. In all criminal cases the said police judge shall have jurisdiction as an examining court, now or hereafter given by law to two justices of the peace, and shall proceed in like manner as said justices are required by law to do in criminal cases; he shall have jurisdiction of all offenses arising under the rioting act and the ordinances and by-laws of said town, and shall have power to enter judgments, and award executions accordingly; he shall have full power and authority, to the extent of his jurisdiction above conferred, to grant injunctions, attachments, restraining orders, orders of delivery, writs of habeas corpus, and to issue warrants in civil or criminal cases, to be served in the county aforesaid, under the same rules and regulations prescribed by the several acts authorizing justices of the peace and quarterly court judges to grant injunctions, attachments, restraining orders, orders of delivery, distress warrants, &c., and to issue warrants; and it shall be the duty of said judge to keep a record of all proceedings in his court, a copy of which shall be evidence, and shall have the same effect as records of courts of similar jurisdiction, certified by him; he shall have power to issue subpoenas for witnesses to give evidence in cases pending before him, and to give their depositions; and upon their failure to attend, to issue compulsory process to cause their attendance; he shall have power to fine and imprison for contempt, provided the fine shall not exceed five dollars, nor the imprisonment eight hours; he shall have power to order the marshal to summon a jury in any case cognizable before him, when a jury would be necessary before a circuit or justices' court; he shall have power to take depositions, which shall have the same effect as though made before a justice of the peace or an examiner.

§ 9. The police judge shall be entitled to the same fees as justices of the peace in actions of fifty dollars or under, and the same allowed to quarterly court judges in all actions over fifty dollars.

§ 10. Said police judge shall have jurisdiction of all cases of motions and suits against the treasurer, marshal, clerk, or other officers of said town, for all sums of money

1871. or other things that may be due from them or any one of them.

§ 11. Either party to any judgments rendered by said police judge may appeal to the circuit or quarterly court, under the same regulations authorizing appeals to those courts from other courts.

§ 12. The marshal shall have the same powers and perform the same duties, and be liable to the same penalties, that constables of this Commonwealth are now by law, or may hereafter be authorized to perform, or be subject to; and said marshal, before he enters on the duties of his office, shall take an oath for the faithful performance of his duty in the county court of Henry county, and shall execute a bond, with one or more good sureties, to be approved by said court, in the penalty of \$3,000, payable to the Commonwealth of Kentucky, with a condition similar to a bond a constable is bound to execute; and the same may be put in suit, for a failure to perform the conditions thereof, by any person injured, as suits are now authorized to be brought on a constable's bond; and said marshal shall also be subject to a motion against him and his sureties before said police judge for a failure to pay over money to the persons entitled to receive the same, under the rules and regulations and restrictions as motions are authorized to be made or suits instituted against defaulting constables. He shall collect all taxes of said town, and other demands that may be put into his hands to collect, and account for and pay over the same to whomsoever may be entitled thereto, under the same rules and regulations required by law of sheriffs' in the collection of taxes, and of constables in collection of executions and other demands, and perform all the duties heretofore required of the town sergeant by section 11 of original act; and that section 3 of original act be amended so as to read, an ad valorem tax not to exceed 25 cents on the \$100 worth of property. The marshal shall be allowed such fees for collecting town tax as the trustees may allow: *Provided*, That said police judge shall have power and authority to direct his process to be executed by any constable of said county.

§ 13. The trustees, police judge, and town marshal, before they enter upon the duties of their office, shall take the oath prescribed in the Constitution; and if said police judge should fail or refuse, or the town marshal, to execute bond within ten days after his election, or if either of them should resign or die, so that the office becomes vacant, the board of trustees shall immediately call a special election to fill said vacancy; and if from any cause no election is had at the time prescribed by law, the county court of every county shall appoint five trustees to act until the stated election; and the said trustees, after being

duly qualified, shall order a special election for police judge and town marshal. 1871.

§ 14. That all sections and parts of sections of an act, entitled "An act to incorporate the town of Pleasureville," approved the 24th February, 1842, that conflict with the provisions of this act, are hereby repealed.

§ 15. That the family residence of Thos. J. Hall be included and form a part of this corporation.

§ 16. That all of the act of 1842, incorporating the town of Pleasureville, that do not conflict with, nor is not by this act repealed, are hereby revived, and remain in full force.

§ 17. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1912.

AN ACT to protect owners of land in Carroll, Hardin, and Gallatin Counties from Trespasses.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when any person enters the lands of another in Carroll, Hardin, and Gallatin counties, without the consent of the owner, for the purpose of hunting or chasing any kind of game, the person so offending shall be deemed guilty of trespass, and upon conviction thereof, shall be fined not less than ten nor more than twenty dollars: *Provided, however,* That no conviction shall be had under this act unless the owner of the land on which such trespasses are charged to have been committed has, previous to such hunter having entered thereon, given notice by advertisement through some newspaper published in said counties, or some adjoining county, warning all persons from entering upon his or her lands for the purpose of hunting or chasing any kind of game.

§ 2. That this act may be enforced by presentment by the grand jury, or before any magistrate of said counties, upon the complaint of the owner of the lands named in the first section of this act, who shall be a competent witness for the Commonwealth in the trial of offenders under this act.

§ 3. That all fines recovered under this act shall be paid into the jury fund for said counties.

§ 4. That this act shall take effect from its passage.

Approved March 22, 1871.

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CHAPTER 1913.

AN ACT for the benefit of Benjamin D. Beall, Clerk of the Campbell Circuit Court.

WHEREAS, Benjamin D. Beall, clerk of the Campbell circuit court, did, in obedience to an order of the Campbell county court, of record, make a full and complete index and cross-index to all the suits and records in his office from the year 1798 down to the year 1864, the old one having been lost, mislaid, and mutilated; and whereas, doubt exists as to the power of the Auditor to compensate him therefor; for remedy whereof—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer of the State in favor of Benjamin D. Deall for the sum of eight hundred and fifty dollars, to be paid out of any money unexpended in the public Treasury.

§ 2. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1914.

AN ACT for the benefit of the Judges of the Todd and Harrison County and Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judges of the Todd and Harrison county and quarterly courts be, and they are hereby, authorized to have partners to practice law in all the courts of this Commonwealth, except courts from which appeals to their courts could be taken, and the county and quarterly courts of Todd and Harrison counties.

§ 2. This act to take effect from its passage.

Approved March 22, 1871.

CHAPTER 1915.

AN ACT to incorporate the Campbell County Kentucky Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby created and established in
ort, Kentucky, a deposit bank, which shall be a
olitic and corporate, by the name of the Campbell
y Kentucky Bank; and shall have power and an-

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thority by that name to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have and use a common seal, and alter and change the same at pleasure.

§ 2. That the property, business, and affairs of said bank shall be under the management, government, and control of a board of five directors, one of whom shall be elected president of the board; and that F. W. Webster, Peter Constance, H. D. Helm, J. C. DeMoss, and Louis Constance, are hereby constituted a board of directors for said bank, to serve as such until others are duly elected and qualified; and should any of the persons above named fail or refuse to qualify and serve as directors, his or their place or places may be declared and treated as vacant, and the vacancy may be filled by the remainder; and all vacancies occurring in the board of directors may be filled, who shall provide for an election of directors by the stockholders within one year from the organization of the company, and every year thereafter, at the office of said bank, in the city of Newport; notice of which shall be given to all the stockholders. Said election shall be held by three stockholders appointed by the board of directors, who shall certify the result for record on the books of the bank; those having the highest number of votes shall be declared duly elected; each stockholder to have one vote for each share of stock he or she may own, and may cast the same in person or by proxy; the board may regulate the form of proxy in casting the vote; and the board of directors shall consist entirely of residents of the State of Kentucky.

§ 3. That the capital stock of said bank shall not exceed one hundred thousand dollars, and shall be divided into shares of fifty dollars each; and whenever three hundred shares shall have been subscribed and paid in, in accordance with the terms upon which the same was subscribed, and an affidavit has been made to that effect by the president, before the clerk of the Campbell county court, said bank may proceed to transact a general banking and financial business; and may loan money, discount promissory notes, buy and sell stocks, bonds, and other securities; and the promissory notes made negotiable and payable at its banking-house, which may be discounted by said bank, and inland bills of exchange which may be discounted or purchased by it, shall be, and they are hereby, put upon the footing of foreign bills of exchange, and a like remedy may be had thereon, jointly and severally, against the makers, drawers, indorsers, or other parties thereto.

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§ 4. Said bank may acquire and hold, possess and use, occupy and enjoy, all such real and personal property, goods, chattels, or other things, as may be convenient for the transaction of its business, or which may be pledged or conveyed to it as security for any debts, judgments, or decree, or which it may purchase in satisfaction of the same, and sell and convey, or otherwise dispose of, personal securities as a natural person; and it shall be the duty of said bank, during the first week in each year, to pay into the Treasury of this Commonwealth, for the benefit of the revenue proper, fifty cents on each one hundred dollars of capital stock held and paid for in said bank, which shall be in full of all tax or bonus.

§ 5. The said bank shall have power to make advances on approved securities of any kind; and it may receive stocks, bonds, and other things in pledge for the security of loans or debts owing, and sell stocks and bonds on non-payment of debts or demands at the stipulated time of payment as a natural person, according to any agreement made between the parties in writing at the time of loan or renewal, and pass a good title to the purchaser; and any power given for that purpose shall be irrevocable until the debt or demand is paid or duly tendered; said bank may receive deposits of gold, silver, bank notes, United States Treasury notes, or other currency, and pay the same in kind, or as may be agreed upon by a special or general contract; and may allow interest on deposits not to exceed the rates allowed by the laws of this Commonwealth; it may issue certificates of credit, payable throughout the United States or elsewhere, for the convenience of merchants and travelers, but shall not issue any notes or bills to circulate as money.

§ 6. The board of directors of said bank are hereby authorized and empowered to enact and put in force such rules, by-laws and regulations, for the management, government, and control of its property, business, and affairs, as they may deem expedient, and alter, amend, and repeal the same at will; and shall specify therein the number of directors necessary to constitute a quorum for the transaction of business. They may appoint such officers, agents, and servants as they may deem necessary to conduct the business of the bank, and pay them such sums for their services, and take from them bonds in such penalties to secure the faithful performance of their duties, as they may think reasonable and proper; and upon bonds thus taken recovery may be had for breaches of the contract

of. If any officer of said bank shall appropriate any of said bank to his own use, or shall willfully fail to correct returns, or knowingly make false ones on the of said bank, with intent to cheat or defraud said

corporation or other person, such officer shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail or penitentiary of this Commonwealth for a period of not less than two nor more than twenty years.

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§ 7. The stock of said bank shall be deemed personal property, and shall be assigned on the books of the bank in accordance with such rules as the board of directors shall, from time to time, prescribe; and said bank shall hold a lien on the shares of any stockholder who may be indebted to it; and such shares shall not be assigned or transferred until the debt shall be paid or discharged without the consent of a majority of the directors of the bank.

§ 8. The payment on the shares subscribed in said bank shall be as follows: ten dollars on each share at the time of subscribing; and the residue in installments of twenty per cent. on the remainder: *Provided*, That when ten thousand dollars shall have been paid in the directors may, if they think proper, extend the time of paying the remainder, and may commence business upon the president making affidavit that such sum has been actually paid in.

§ 9. No one individual, company, or corporation shall subscribe for more than two hundred shares of the stock of said bank.

§ 10. This act shall take effect from its passage, and remain in force for thirty years from the first organization of the said bank, provided it is organized within five years from its passage.

§ 11. The General Assembly shall have the right to examine into the affairs of said corporation by any committee they may appoint for that purpose, and that nothing herein contained shall be so construed as to allow any amount to be charged by said bank for both interest and exchange greater than ten per cent. per annum.

Approved March 22, 1871.

CHAPTER 1916.

AN ACT to amend the Charter of the Town of Midway.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter it shall be lawful for any qualified voter, under the laws of this Commonwealth, residing in the voting precinct in which the town of Midway is situated, and owning real estate in said town, to vote at any election for town officers therein; and the election for town officers held in said town on the 4th day of March,

1871. 1871, shall be, and is hereby, legalized; and the several officers then elected shall hold the offices to which they were respectively chosen for and during the term now fixed by law.

§ 2. It shall be the duty of the judges of elections for said town to refuse to receive the vote of any resident of Midway until he shall have first presented a receipt from the marshal or other officer of said [town] showing that his poll-tax for such election has been paid.

§ 3. The board of trustees of said town shall have power to pass ordinances prohibiting hogs from running at large in the streets of said town; and any person, either a resident or non-resident of the town of Midway, who permits or suffers his or her hog or hogs to run at large in said town, shall be fined for each offense in a sum not exceeding three dollars; and upon their failure to pay the same, a *capias pro fine* may immediately issue from the office of the police judge, and such person or persons be confined in the work-house until such fine shall have been worked out, as provided by the charter and ordinances of said town.

§ 4. That so much of the town of Midway known as Haydensville is hereby excluded from the corporate limits of said town; and the residents and real estate owners in Haydensville shall no longer be assessed or liable to pay taxes for town purposes. The board of trustees of said town are hereby authorized to so alter the corporate limits of their town as to exclude therefrom that portion known as Haydensville.

§ 5. This act to be in force from its passage.

Approved March 22, 1871.

CHAPTER 1918.

AN ACT to amend the Charter of the City of Hickman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 3, article 1, of an act, entitled "An act to amend and reduce into one the several acts respecting the town of Hickman," be amended by inserting after the words "qualified voters residing therein," the words "who shall have paid their poll-tax for the preceding year, and all arrearages and taxes by them due to said city;" which payment, on being questioned, must be satisfactorily shown.

§ 2. This act to take effect and be in force from its passage.

Approved March 22, 1871.

CHAPTER 1919.

1871.

AN ACT to provide for the settlement of the accounts of Jordan Clark and Thomas P. Smith, late Receivers of the Louisville Chancery Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts and the special judge of the Louisville chancery court, to hear and determine the matter of accounts of Thos. P. Smith and Jordan Clark, be, and they are each hereby, empowered and directed to appoint one person, skilled in the keeping of accounts, for the purpose of auditing and settling the accounts of Jordan Clark and Thomas P. Smith, late receivers of the Louisville chancery court. The parties so appointed, before entering upon the discharge of their duties, shall take an oath to well and truly perform the same according to the best of their skill and judgment; and they are hereby required to report the result of their investigations to the said Louisville chancery court.

§ 2. The judge of the said Louisville chancery court shall make a reasonable allowance to the persons appointed under the first section of this act for their services, the same to be paid out of the fund which is directed to be paid into the State Treasury in accordance with the provisions of an act, entitled "An act to amend an act, entitled 'An act to regulate the offices of commissioner and receiver of the Louisville chancery court,'" approved March 1st, 1871.

§ 3. That upon the filing of the report of the persons appointed under the first section of this act, the late receivers, or any person claiming an interest in the funds in the hands of the receivers, may file exceptions thereto; and the same shall be heard and determined as other exceptions to master commissioners' reports.

§ 4. This act shall take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1920.

AN ACT to amend an act, entitled "An act for the benefit of the Town of Tompkinsville, in Monroe County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the charter and amended charter of the town of Tompkinsville, as requires a residence of twelve months within the limits of said town to render any one eligible to the office of town marshal, be, and the same is hereby, repealed; and that the election for town

1871. officers of said town held on the 1st day of March, 1871, be, and the same is hereby, legalized; and that the town marshal elected at said election be, and is hereby, declared competent to hold and exercise the duties of said office, and shall be entitled to all the emoluments of said office until the next regular election.

§ 2. This act to take effect from and after its passage.

Approved March 22, 1871.

CHAPTER 1921.

AN ACT establishing the Orphans' School of Daughters' College.

WHEREAS, The proprietors of the Daughters' College, an institution of learning located near Harrodsburg, Kentucky, now in successful operation, with grounds and buildings, and other property, estimated to be worth fifty thousand dollars, and with a capacity for the board and instruction of one hundred pupils, propose to establish, in connection with said college, a department for the education of orphans; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be, and is hereby, established the Orphan School of Daughters' College, located in county of Mercer, near the town of Harrodsburg, State of Kentucky.

§ 2. That C. E. Williams, Jno. Aug. Williams, Volney C. Higgins, John B. Bowman, and Garrett Davis, and their successors, are hereby constituted a body-corporate, by the name of the "Orphan School of Daughters' College;" and by that name may sue and be sued in any court in Kentucky.

§ 3. That the persons named in the first section of this act shall be the first trustees of this corporation; and all vacancies caused by death, resignation, or other cause, in the office of trustee, shall be filled by the board.

§ 4. That the said corporation shall have power to provide a home for, and to educate destitute orphans, which is hereby declared to be the object and purpose of said corporation; and to such end and for such use the said corporation may take and hold property, real or personal, to an amount necessary for the support and maintenance of the orphans admitted.

§ 5. That the affairs of this corporation shall be managed by the board of directors named in the first section of this act, who shall have power to make by-laws, prescribing the duties of the officers of said corporation, their term of office, the qualifications and terms of admission of pupils, and to make all other rules and regulations for

said corporation and the management of its affairs, subject to the provisions of this act.

1871.

§ 6. That the property held or occupied by said corporation, for the uses and purposes aforesaid, shall be exempt from all taxes to be levied under the authority of the State of Kentucky.

§ 7. That the said corporators of said Orphan School of Daughters' College may, at any time, sell and transfer their property, real or personal, with all the franchises and appurtenances thereof, to any other chartered institution, on condition that the trustees thereof will assume and carry out in good faith, and to the full extent, all the provisions of this act in reference to the said Orphan School.

§ 8. This act to take effect on and after its passage.

Approved March 22, 1871.

CHAPTER 1922.

AN ACT for the benefit of John L. Ross, of Ballard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John L. Ross, of Ballard county, be, and he is hereby, freed from all the disabilities of minority; and he is hereby declared to be of full age, and is vested with all the civil rights, immunities, and powers he would have on attaining the age of twenty-one years, except the right to vote; and in law is declared competent to contract and be contracted with; and subject to all the liabilities and penalties of a man of age.

§ 2. This act to take effect from its passage.

Approved March 23, 1871.

CHAPTER 1923.

AN ACT for the benefit of Hermon V. Cothes, of Ballard County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Hermon V. Cothes, of Ballard county, be, and he is hereby, freed from all the disabilities of minority, and he is hereby declared to be of full age, and is vested with all the civil rights, immunities, and powers he would have on attaining the age of twenty-one years, except the right to vote, and in law is declared competent to contract and being contracted with, and subject to all the liabilities and penalties of a man of age.

§ 2. This act to take effect from and after its passage.

Approved March 23, 1871.

1871.

CHAPTER 1924.

AN ACT to amend an act, entitled "An act transferring portions of the Elizabethtown and Bell's Tavern Turnpike Road to the Counties of Hardin, Hart, and Barren," approved December 23d, 1861.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act transferring portions of the Elizabethtown and Bell's Tavern Turnpike Road to the counties of Hardin, Hart, and Barren," approved December the 23d, 1861, be, and the same is amended, by striking from said section the words, "and that part of the Bardstown and Green River Turnpike Road that lies in the county of Larue, between Muldrough's hill and the Hart county line," so that the section as amended shall read as follows, to-wit: That the State of Kentucky, without relinquishing the right and title it may have to the capital stock, property, rights, and franchises of the Elizabethtown and Bell's Tavern Turnpike Road Company, consents that such portions of the said road as are embraced within the counties of Hardin, Hart, and Barren, respectively, may not be kept, managed, and controlled by the president, managers, and company of said road, as directed in the charter and by-laws of the company.

§ 2. This act shall take effect and be in force from and after its passage.

Approved March 23, 1871.

CHAPTER 1925.

AN ACT to incorporate the Town of Milledgeville, in Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the county court of Lincoln county be, and he is hereby, directed to record the plan of the town of Milledgeville, in said county, when presented to him by the trustees of said town hereinafter appointed.

§ 2. That when the plan of said town shall have been recorded, the boundary laid down therein shall be known by the name and style of the town of Milledgeville.

§ 3. That William H. Harris, Isaac Gibson, Joseph Caldwell, J. B. Myers, and Geo. Cays, be, and they are hereby, appointed trustees of said town, and shall continue in office until the first Saturday in April, 1872, and until their successors shall be elected and duly qualified; they shall, before they enter on the discharge of their duties, take an oath before some justice of the peace for Lincoln county that they will faithfully and impartially discharge the office

aforesaid ; that said trustees and their successors in office shall be a body-politic, and shall be known as the Board of Trustees of the town of Milledgeville ; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, in all courts of this Commonwealth.

1871.

§ 4. That there shall be an election held for trustees in said town on the first Saturday in April, 1872, and on the first Saturday in April annually thereafter ; and when any vacancy shall occur in said board by death, removal, or resignation, the board shall have power to fill such vacancy until the next annual election of trustees for said town.

§ 5. That each qualified voter, being an actual resident of said town, or holding title to real estate therein, and being a resident of said voting precinct, shall be entitled to vote for trustees : *Provided, however,* That it shall be unlawful for any person living in said town or voting precinct, where said town is situated, to vote for any officer or officers of said town, at any election for that purpose, who has not resided in said town or voting precinct continuously for the space of one year next preceding the day of election ; and who shall not, also, have paid to the proper officer, prior to said day of election, all taxes assessed and fines adjudged against him by the legally constituted authorities of said town.

§ 6. The board of trustees shall be chosen from among the resident qualified voters of said town ; and before entering upon the performance of the duties of their stations, shall exhibit a certificate of their election from the judges holding the election, and each shall take an oath honestly and faithfully to perform their duty as such.* And the board of trustees shall have power, from time to time, to create by-laws for the government of said town, for the preservation of good order, decency, and decorum, within the limits of said town ; for the preservation of the peace, health, lives, and property of the inhabitants and others within said town ; for the preservation, repair, and improvement of the streets and alleys of said town, and for all such matters as come, properly, within the jurisdiction of an incorporated town ; and shall have power to provide punishments for a violation of their by-laws by fine or imprisonment, or both. They shall, from year to year, lay a tax on all property within the limits of said town, and provide for the collection of the same ; said tax, however, shall not exceed fifty cents per annum on each one hundred dollars' worth of taxable property, and two dollars per annum for each male inhabitant over the age of twenty-one years, to be expended in the necessary outlays attending the good gov-

1871. ernment of said town, and for the repair, improvement, and preservation of the streets and alleys of said town: *Provided*, That no by-laws shall be passed which in anywise conflict with the Constitution and laws of this Commonwealth, or with the Constitution and laws of the United States. They shall, at their first meeting, regulate the time and place of their meetings, and shall have the power to change the same from time to time; to fill all vacancies that may occur in their own body; and may enact a law to compel the attendance of absent members. They shall appoint, annually, a town treasurer, town clerk, and town assessor, and regulate the amount of the penalties of their several bonds, payable to the corporation, and to fill all vacancies that may occur in either of said offices.

§ 7. The board of trustees shall define the duties of the town marshal, town treasurer, and town assessor; and whenever an election is to be held in said town to fill any office created by this act, said trustees shall cause a notice of the time and place of holding the same to be published in the county newspaper for at least twenty days prior to holding said election; and if there be no newspaper published in said county, then the said notice shall be posted in writing at three of the most public places in said town of Milledgeville.

§ 8. That a marshal for said town shall be elected on the first Saturday in April, 1871, and every two years thereafter, by the persons qualified to vote for trustees of said town in the fifth section of this act. The town marshal shall perform such duties as may be required of him by the board of trustees, and execute all process which may be requisite for the enforcement of the by-laws of said town.

§ 9. That there is hereby established in said town of Milledgeville the office of police judge, and a police judge for said town shall be elected on the first Saturday in April, 1871, and every four years thereafter, and commissioned by the Governor, and who shall, before he enters upon the duties of his office, take an oath before some justice of the peace of Lincoln county faithfully and impartially, to the best of his ability, to discharge the duties of his office.

§ 10. That said police judge shall have jurisdiction within said town of civil causes, to the same extent that justices of the peace now have in this Commonwealth; and shall have the same jurisdiction of crimes and misdemeanors committed within said county of Lincoln that justices of the peace now have; and in criminal and penal cases he shall have the jurisdiction now given by law to two justices of the peace within said county; and shall

1871.

have full jurisdiction within said town of all offenses against the by-laws and ordinances of said town; and shall have power to enter judgments and issue executions for all fines and penalties for such offenses; and process from the police court of said town may be served by the marshal of said town in any part of said county, or by the proper officer in any county in this Commonwealth; he shall have the power to grant writs of *habeas corpus* to the same extent as justices of the peace; he shall keep a record of his proceedings, copies of which shall be evidence to the same extent that copies of the records of justices of the peace now are; he shall have power to issue original process in all cases before him, subpoenas for witnesses, and attachments to compel the attendance of witnesses before him, to the same extent that justices of the peace now have; and to punish all contempts against his authority by fines, not exceeding five dollars in each case, and by imprisonment not exceeding six hours; he shall have power to order the marshal to summon a jury in cases cognizable before him, when a jury is required by law; he shall have the same power to issue attachments for debts within the county of Lincoln that justices of the peace now have; to take and certify depositions, which shall be allowed to be read as taken before and certified by justices of the peace; to administer oaths, and certify the same when necessary, in all cases where an oath is provided for by law. In all cases, his fees shall be the same as justices of the peace for like services; and he shall have the same power to issue fee bills that justices of the peace now have, and they shall be collectable in the same way: *Provided*, That all process issued by said police judge shall run in the name of the Commonwealth of Kentucky.

§ 11. That the board of trustees shall have power to levy a tax on all shows and exhibitions in said town, not exceeding fifteen dollars for every twenty-four hours such show or exhibition may remain and be kept open in said town.

§ 12. That the tax on license to sell intoxicating liquors in said town shall not be less than fifty nor more than two hundred dollars.

§ 13. In all cases his fees and commissions shall be the same as those of constables for similar services, and he shall collect them in the same manner, and he shall, by himself or deputy, duly qualified, execute all the processes of the police judge within the county of Lincoln.

§ 14. The corporate boundary of the town of Milledgeville shall be as follows, viz: To commence at a point in the center of the turnpike road, opposite Martin T. Russell's dwelling-house in said town, and running from

1871. thence one quarter of a mile north and one quarter of a mile south, and one quarter of a mile east, and one quarter of a mile west, including all the houses, lots, and lands within the square of these lines.

§ 15. This act to take effect from and after its passage.

Approved March 23, 1871.

CHAPTER 1927.

AN ACT to prohibit the sale of Spirituous or Vinous Liquors in the Town of Warsaw, and within four miles thereof, in Gallatin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell either vinous or spirituous [liquors], in less quantities than one half barrel, in the town of Warsaw (or within four miles thereof), in Gallatin county, except for medical purposes: *Provided, however,* That this act shall not take effect until ratified by a majority of the qualified voters living within the corporate limits of said town, and within a radius of four miles thereof, at an election to be fixed by the board of trustees for said town.

§ 2. That it shall be the duty of the board of trustees for said town, two weeks previous to ordering an election for the purposes herein indicated, to cause notice of the same to be published by at least two insertions in the Warsaw Weekly News; also to put up notices in public and conspicuous places outside the corporate limits of said town, notifying the citizens within said bounds of the purposes, and the time and place of holding said election.

§ 3. That said election shall be conducted and governed by the general election laws of this State.

§ 4. Any person violating any of the provisions of this act shall be subject to a fine of not less than five nor more than twenty dollars for every offense, to be recovered before any court having jurisdiction thereof.

§ 5. This act to take effect and be in force from the time it shall be ratified by the qualified voters of said town, and within four miles thereof, as hereinbefore provided: *Provided, however,* This act shall not be so construed as to interfere with the rights of any tavern-keeper whose license shall not have expired at the time of the adoption of this act, and during the continuance of his said license.

Approved March 23, 1871.

CHAPTER 1928.

1871.

AN ACT to amend an act, entitled "An act to facilitate the finding of Records in the Warren Circuit Court," approved February 25th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to facilitate the finding of records in the Warren circuit and county courts," approved February 25th, 1870, be, and the same is hereby, so amended as that the clerk, for making the indexes and cross-indexes of the records of the circuit court, as required in said act, shall receive his pay therefor from the State Treasury, instead of from the county levy; and upon said work being performed, it shall be the duty of the circuit court to certify the fact and the allowance for the same to the Auditor of the State, who shall draw his warrant therefor upon the Treasurer, payable to said clerk for said services: *Provided, however,* That if in the mesne while said clerk shall have received his pay from the county levy of said county, the money to be drawn from the Treasury shall go in reimbursement of the county treasury.

§ 2. This act to be in force from and after its passage.

Approved March 23, 1871.

CHAPTER 1929.

AN ACT to amend an act, entitled "An act to amend an act to allow the Citizens of Henry County to vote a tax in aid of Turnpike Companies of said County."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act be, and is hereby, so amended that the county judge shall receive one half per cent. out of the said turnpike fund collected for making the settlement with the sheriff, as required in the first section of said act.

§ 2. This act shall take effect from and after its passage.

Approved March 23, 1871.

CHAPTER 1933.

AN ACT to amend the Charter of the Elizabethtown and Tennessee Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to incorporate the Elizabethtown and Tennessee Railroad Com-

1871. pany," as authorized the county of Green to subscribe to the capital stock of said company, be, and the same is, repealed.

§ 2. That the said county of Green is hereby released and fully discharged from any and all subscriptions made or authorized to be made to the capital stock of said company.

§ 3. This act shall take effect from its passage.

Approved March 23, 1871.

CHAPTER 1934.

AN ACT to amend an act, entitled "An act to incorporate the Louisville and Chattanooga Grand Trunk Railroad."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Louisville and Chattanooga Grand Trunk Railroad," approved March 1, 1870, be, and the same is hereby, amended as follows, viz:

1st. Section two (2) is hereby amended so as to read "five hundred shares," instead of "three thousand shares," in the fifth (5th) line of said section; and so as to authorize the organization of said company when "one thousand shares" shall be subscribed, as provided in said charter hereby amended.

2d. Section four (4) is hereby amended so as to read, in the second line of fourth section, "one thousand shares," instead of "two thousand shares;" and the seventh (7th) line of same section four (4) so as to read "ten days' notice," instead of "twenty days' notice."

3d. Section twelve (12) is hereby amended as to authorize and empower the presiding judge of the county court of the respective counties to submit the question of subscription, as therein provided, without calling in or requiring the same to be done by the justices of the county; and said twelfth (12th) section is hereby further amended so as to substitute the words in the twenty-third (23d) line, and make the same read, "in not less than twenty nor more than thirty days' notice," instead of the words "after sixty days' notice."

§ 2. That the general council of the city of Louisville be, and the same is hereby, authorized and empowered to levy and collect taxes on the taxable property, as provided and enumerated in twenty-fourth (24th) section of said act of incorporation to which this is an amendment, sufficient to meet, from time to time, and pay off any subscription of stock or bonds delivered in payment of stock subscribed by said city to the said railroad company under

the provisions of the original charter, and to meet and pay off, as the same may become due, any interest upon such bonds or subscription of stock; and to provide a sinking fund for the payment of any indebtedness so incurred; and the taxes hereby authorized to be levied shall be specifically devoted to such object, and nothing else; and the same to be levied on all kinds and species of property.

§ 8. This act to take effect and be in force from and after its passage.

Approved March 23, 1871.

1871.

CHAPTER 1935.

AN ACT to incorporate the Shawneetown, Morganfield, and Sebree Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That I. A. Spalding, D. H. Hughes, Samuel P. Spalding, Lewis Harris, George Huston, Wm. McKenney, Thos. Conway, Robert Rowley, Wm. Sammons, Thos. J. Jackson, E. G. Sebree, and Wm. H. Scott, and their successors, be, and they are hereby, created a body-politic and corporate, by the name of the Shawneetown, Morganfield, and Sebree Railroad Company, with all the powers, rights, and authority incident to corporations, and such as are vested and created by this act.

§ 2: That the said Shawneetown, Morganfield, and Sebree Railroad Company is hereby authorized and empowered to construct and operate a railroad, with single or double track, from the town of Sebree, in Webster county, on the line of the Evansville, Henderson, and Nashville Railroad, via Morganfield, to a point on the Ohio river opposite, or as nearly opposite, to the town of Shawneetown, in the State of Illinois, as may be deemed practicable.

§ 3. The said Shawneetown, Morganfield, and Sebree Railroad Company, in and by their corporate name may contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in all courts; may purchase, hold, receive by gift or donation, and use all such real and personal estate as shall or may be necessary to construct and operate their railroad; and may have and use a common seal, and alter and renew the same at pleasure; and shall have and exercise all the powers, rights and privileges, which other railroad corporations in this State may lawfully have, enjoy, and exercise; and may have perpetual succession of members by the name and style aforesaid.

1871. § 4. The capital stock of the Shawneetown, Morganfield, and Sebree Railroad Company shall be one million of dollars, divided into shares of one hundred dollars each, and may be issued and transferred in such manner as the board of directors may direct. The said corporation may receive subscriptions from any corporation, county, city, or district; and may receive donations of land, timber, or other property; and receive subscriptions of stock payable in land; and take conveyances of land, which may be sold and conveyed by said company for the use and benefit of said land, as parties may agree. The capital stock may be increased by the board of directors to an amount not to exceed two million of dollars.

§ 5. The business of said company shall be managed and directed by a board of nine directors, one of whom, chosen by a majority of the board, shall be president, and all of whom shall be stockholders. The board of directors, or a majority of them, shall fill any vacancy occasioned by death, resignation, or refusal to act. The majority of the board may adopt all such by-laws and rules for the government and management of the business and affairs of the corporation as they may deem necessary or proper; they may fix and regulate the salaries and compensation of all officers and employees of the company, and define their duties and limit their powers.

§ 6. The incorporators hereinbefore named, or any two of them, may open books of subscription to the capital stock of the company, at such times and places as they may deem proper, and continue to open books of subscription to the capital stock of the company, at any time or place they may deem desirable, until the sum of one hundred thousand dollars is subscribed to the capital stock of the company; and as soon as one hundred thousand dollars may be subscribed, the said incorporators, or any two of them, may give notice to the stockholders or subscribers to the capital stock, of the time and place at which an election will be held for the election of a board of directors, who shall hold office for one year, or until their successors are elected. After the election of the board of directors they shall have the authority, before invested in the incorporators, to open books of subscription, and receive the same, and all lands and other property subscribed or donated to said company; and may, at any time, solicit and receive subscriptions to the capital [stock] of the said railroad company from any county, town, or district of any county, and from any individuals; and the said company [may] take, by gift or purchase, and hold in fee simple, or for term of years, any land or other property useful or necessary in the construction or repair of their road, and the operation of the same, or for offices,

depots, road-way, warehouses, machine-shops, or any building to be used by said railroad; and they may sell and convey any land or other property owned by the said company when deemed by the company to its interest.

1871.

§ 7. Any lands for right of way, depots, stations, and other necessary purposes for the said railroad company, may be acquired as provided in sections five (5), six (6), seven (7), and eight (8) of the act, entitled "An act to amend the charter of the Louisville and Frankfort Railroad Company," approved March 24th, 1851; and the said sections are made part of this act.

§ 8. The president and board of directors, or any engineer or other person appointed by them, shall have authority to make, or cause to be made, such examinations and surveys of lines or routes for their said railroad as they may deem necessary to the selection of the most advantageous and practicable route; and they may determine and fix the location of their said road on such route.

§ 9. The board of directors, or a majority of them, with the assent of a majority of the stockholders, given at any general or called meeting of stockholders, shall have power and authority, and are hereby authorized to borrow not exceeding one million of dollars, at an interest not exceeding eight per cent. per annum, payable semi-annually, and may issue the bonds of the said company for same in such manner as the board of directors may specify and direct, to be executed by the president of the company, attested by the secretary of the company, with the corporate seal affixed, payable at such times and places as the board of directors may direct; but no bonds or notes are to be issued or to circulate as bank notes; and they may pledge and mortgage their road and any other property owned by them, including road-bed, superstructure, rails, ties, rolling stock, and all other property owned by them, or which may hereafter be acquired by the said company, whether real, personal, or mixed, together with their franchises, rights of way, and effects, to secure the payment of the money borrowed on the said bonds; and to render the same effectual, may convey same in trust to such person or persons as they may designate, to be held in trust and sold to secure and pay the money so borrowed, and the interest thereon.

§ 10. Any county, city, incorporated town, and any civil district of any county, situated upon or interested in said railroad, or in having same built, may subscribe to the capital stock of the said railroad company, or make any donation to said company to aid in building the said road; and the question of making any subscription to the capital stock of said company by any town, county, or district

1871. shall be determined and carried in the manner set forth and declared in sections twelve (12), thirteen (13), fourteen (14), fifteen (15), and sixteen (16), and section eighteen (18) of an act, entitled "An act to incorporate the Evansville, Henderson, and Nashville Railroad Company," approved January 27th, 1867; and the said sections of the said act are made a part of this act, and shall apply to the Shawneetown, Morganfield, and Sebree Railroad Company.

§ 11. That sections twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), and twenty-five (25) of an act, entitled "An act to incorporate the Evansville, Henderson, and Nashville Railroad Company," approved January 27, 1867, be, and the same are, made part of this act, and made applicable to the company hereby incorporated, by inserting the name of the Shawneetown, Morganfield, and Sebree Railroad Company for the Evansville, Henderson, and Nashville Railroad Company where the same occurs; and the said sections are to be taken as a part of this act as though the same were re-enacted in words with the change of name of the corporation.

§ 12. This act shall take effect and be in force from its passage.

Approved March 23, 1871.

CHAPTER 1936.

AN ACT for the benefit of John W. Robinson, of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for John C. Sublett, guardian for John W. Robinson, of the county of Hickman, to pay or deliver over to the said John W. Robinson any money or property in his hands, as guardian as aforesaid, and upon the receipt of any money or property so paid or delivered to him, it shall and may be lawful for the said John W. Robinson to execute and deliver to the said John C. Sublett, as guardian as aforesaid, a receipt for the same; which receipt, when so executed and delivered, shall be as binding and obligatory upon him, the said John W. Robinson, as if executed by him when of full age.

§ 2. This act shall take effect from its passage.

Approved March 23, 1871.

CHAPTER 1937.

1871.

AN ACT to incorporate the Paris, Georgetown, and Frankfort Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby created and established a body-politic and corporate, under the name and style of the Paris, Georgetown, and Frankfort Railroad Company; and by that name it shall have perpetual succession, may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; may have and use a common seal, and may alter and change the same at will; and shall have all other lawful powers usual and incident to corporations, and which may be requisite and necessary for carrying out the objects and purposes for which it is created and established.

§ 2. That Daniel Hibler, C. S. Brent, Horace Miller, and J. T. Ware, of the county of Bourbon; H. C. Graves, James F. Robinson, S. F. Gano, R. T. Bryan, and M. Polk, of the county of Scott; and A. Duvall, G. W. Craddock, Thos. N. Lindsey, and John Rodman, of the county of Franklin, or such of them as may choose to act, are hereby constituted and appointed commissioners to open books and receive subscriptions to the capital stock of said company, at such times and places, and upon such terms and conditions, as they may deem best.

§ 3. The total capital stock of said company may be any amount, not exceeding two millions of dollars, that may be found necessary for the construction and equipment of said line of railway, and the same shall be divided into shares of one hundred dollars each, and may be subscribed for, purchased, owned, and controlled by individuals in and out of this State; and by counties, parts of counties, towns, or cities, and parties in Kentucky and elsewhere.

§ 4. Whenever subscriptions of stock to the amount or value of fifty thousand dollars shall have been made to the capital stock of said company, the commissioners shall give at least ten days' notice thereof in a newspaper published in Georgetown, Kentucky, and assemble the subscribers at some suitable time and place, and such of them as shall have paid in cash five dollars on each share of stock subscribed by them respectively, shall proceed to elect from their own number seven directors for said company.

§ 5. That no person shall be elected to the office of president or director for said company who does not own at least five shares of the capital stock of said company.

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§ 6. That the board of directors may elect the president of the company from among their own number, or from among the other qualified stockholders of said company.

§ 7. After the organization of said company by the election of a board of directors and president, as herein before provided, the management and control of the property, business, and affairs of said company shall pass to, and be committed to, the said president and directors, and to their successors in office.

§ 8. The president and directors of said company may, from time to time, enact and put in force such by-laws, rules and regulations, for conducting, managing, and governing its proper business and affairs, as they may deem proper, provided the same are not inconsistent with this act, or with the Constitution and laws of the United States and of this State, and may alter or amend or repeal said by-laws and rules at will.

§ 9. The president and directors may elect or appoint such officers, agents, and employees as they may deem proper for the construction and management of said line of railway, and for carrying on, managing, and conducting the property, business, and affairs of the same; and may require from any or all of them such bonds, and in such penalties, as to them shall seem proper to secure the faithful performance of their respective duties; and upon the bonds thus taken recovery may be had for breaches of the conditions thereof; and shall have power to direct how and upon what evidence the stock of said company shall be transferred.

§ 10. That the president and directors of said railway company are hereby invested with all the powers, rights, and franchises and authority requisite and proper to construct a railway, with double or single track, and a line of telegraph from the city of Paris, in Bourbon county, and through the counties of Bourbon and Scott, and through the town of Georgetown and the county of Franklin, to the city of Frankfort, or to such point of the Lexington and Louisville Railroad, near Frankfort, as they may deem best.

§ 11. That it shall be lawful for the president and directors of said company to keep open the books for subscriptions to the capital stock of said company until the requisite amount to build and equip the same is subscribed; and they may receive subscriptions to said capital stock payable in contracts to build any part or parts of said road, or any bridge or bridges on the same, or to perform any work, or to furnish any materials that may be necessary or desirable for the construction or equipment of said road.

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§ 12. That upon application by said company to the county court of any county into or through which it is proposed to construct said railway, such court shall appoint three commissioners, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material or thing required for the site or construction of said road; or whenever the land or material required for the site or construction of said road shall be owned by any person not a resident of said county, or who is a *feme covert*, infant, or *non compos mentis*, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and to make out and return to the office of the clerk of the county court of the county in which the land so required may lie, a report, in writing, particularly describing the land or other material valued, and the amount and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the county, and whether such owner be an infant, *feme covert*, or *non compos mentis*. The clerk of such county shall receive such report, and file the same, with his indorsement thereon of the time of filing the same; if the owner resides in the county he shall forthwith issue a summons, commanding the owner of such land to appear and show cause why the report should not be confirmed, which summons shall be forthwith executed by the sheriff or other officer into whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at the next term of said court, commencing not less than ten days after the service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner, or by an attorney appointed to defend him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless, for good cause shown, time is given for preparation. If no exceptions are filed, the report shall be confirmed. The jury and commissioners, in estimating the damages to any proprietor of land or material sought to be condemned for said road, shall find for the owner or owners the actual value of the land or other thing proposed to be taken; but in

1871. estimating the damages resulting incidentally to the other land or other property of such owners, they shall set off said damages against the advantages to such residence to be derived from the building and operating of said road by, through, or near said residence: *Provided*, That the land condemned for said road-way shall not be more than one hundred feet wide, unless said company shall file with the court, at the time of applying for the appointment of commissioners, the affidavit of some one of its engineers, stating that a greater width is necessary, and how much more is required, when the requisition shall be for the quantity thus stated.

§ 13. That whenever it shall be necessary for said company to have, use, or occupy any lands, material, or other property, in order to the construction or repair of said road, or their necessary works or buildings, the president and directors, or their agents, or those contracting with them for the construction or repair of the same, may immediately take and use the same, they having first caused the property wanted to be viewed by commissioners appointed, as herein before provided; and it shall not be necessary after such view, in order to use and occupy the same, to await the issue of the proceedings upon such inquest; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property, whether begun before or after such confirmation or payment of said valuation.

§ 14. That whenever said railway company shall, in writing, request the county court of any county through or adjacent to which it is proposed to construct said railway to do so, such court shall submit to the qualified voters of such county, or any designated precinct or precincts of such county, the question whether said court shall subscribe to the capital stock of said company for and in behalf of said county, or for and in behalf of said designated precinct or precincts, the amount of stock specified in the request of said company, either absolutely or upon such terms and conditions as may be proposed by said company; said election to be held on a day to be fixed by the court, not less than thirty nor more than sixty days after the order is made, and shall be conducted by officers to be appointed by the court as in the case of other elections; and it shall be the duty of the sheriff of the county to give notice to the officers appointed to hold said election in the same manner as is now provided by law in regard to other elections; and in case any of the officers appointed shall fail to attend or refuse to act, others shall be appointed in the same manner as at general elections.

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§ 15. That the persons acting as sheriff in the several precincts shall return to the clerk of the county court of his county, within three days after the date of such election, the poll-books of their respective precincts; and on the next day thereafter the county judge and county clerk of said county shall count the vote; and if it shall appear that a majority of those voting voted in favor of the subscription of the stock proposed, the county judge shall order the vote to be entered of record, and the subscription to be made by the clerk for and on behalf of the county, or part of a county, thus voting, and on the terms specified in the order submitting the question to a vote.

§ 16. That whenever the city council of any city, or the board of trustees of any town, into or near which it is proposed to construct said railway, shall be requested to do so, it shall be the duty of said city council or board of trustees to submit to a vote of the qualified voters of such city or town, on a day to be designated by said council or board of trustees, not later than thirty days after the application is made to them by the company, and in writing, the question of subscribing for and on behalf of such city or town the amount of stock proposed by said company on the terms proposed; and if a majority of those voting shall vote in favor of making such subscription, it shall be the duty of such city council or board of trustees to enter the vote upon their records, and the mayor of such city, or the chairman of the board of trustees of such town, shall make the subscription of stock in accordance with the vote.

§ 17. That if any county, part of a county, or city or town, shall subscribe to the capital stock of said company under the provisions of this act, it shall be the duty of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue the bonds of such county, part of a county, city, or town, in denominations of not less than one hundred nor more than one thousand dollars, in payment thereof, with coupons attached, under the seal of such county, city, or town; the bonds of the county or part of a county to be signed by the county judge and countersigned by the county clerk, and the coupons to be signed by the clerk alone. The bonds of the cities subscribing shall be signed by the mayor and countersigned by the city clerk, and the coupons shall be signed by the clerk alone. The bonds of the towns subscribing shall be signed by the chairmen of the boards of trustees and countersigned by the town clerk, and the coupons shall be signed by the clerk alone; such bonds shall be negotiable and payable to bearer in the city of New York at not more than thirty years from their date, and shall bear interest at a rate not greater

1871. than eight per cent., payable semi-annually in the city of New York. In issuing bonds for districts or parts of counties, the bonds shall show and state upon their face the districts or parts of counties for which they are issued, and such districts or parts of counties shall alone be bound to pay said bonds and their interest.

§ 18. That in case any county, city, town, or part of a county, shall subscribe to the capital stock of said company under the provisions of this act, and issue bonds for the payment of such subscription, it shall be the duty of the county court of such county, the city council of such city, and the trustees of such town, to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued, and the costs of collecting the same, on all the real estate and personal property in said county, part of a county, city, or town subject to taxation under the revenue laws of the State, including the amounts owned by residents of such county, city, or town, or part of county, which ought to be given in under the equalization laws.

§ 19. That on levying the tax, as provided for in this act, to pay the interest on the bonds issued by the county court of any county, whether for the whole or for any part thereof, or of any city or town, it shall be the duty of the county court, city council, or town trustees making such levy, to appoint three resident tax-payers of such county, part of a county, city, or town, who shall be styled the board of commissioners of the sinking fund of such county, part of a county, city, or town. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn in the presence of the court, council, or trustees appointing them, faithfully to discharge their duties according to the best of their skill and judgment, and they shall hold their office at the pleasure of the court, council, or trustees by whom they are appointed. They shall immediately appoint one of their number treasurer, who shall execute bond, payable to the Commonwealth, in such penalty, and with such security as shall be approved by the court, council, or trustees appointing said commissioners, and conditioned for the faithful keeping and disbursing of all money coming to his hands as treasurer of such board; on which bond suit may be brought, from time to time, by and in the name of such county or part of a county, city, or town, or by any other person injured by any breach of his bond, in any court having jurisdiction of the sum claimed in such suit; such treasurer may be required at any time to give a new bond, and any security in such bond shall be entitled to the same remedies for procuring additional and counter-security as are now given to the sureties of exec-

utors, administrators, &c.; said treasurer shall be allowed for his services such compensation, not exceeding one per cent. on the money received and paid out by him, as may be allowed by the court, council, or trustees appointing such commissioners respectively. All vacancies in said boards of commissioners shall be filled by the court, council, or trustees by whom such board was appointed.

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§ 20. That taxes levied under the authority of this act in any county, part of a county, shall be collected by the sheriff of such county; and taxes levied in any city or town shall be collected by the officer of such city or town who is by law the collector of taxes levied for the ordinary purposes of such city or town, and in the same manner; but before any sheriff or other officer shall be authorized to collect any such tax, he shall execute bond, if a sheriff, with such sureties as may be approved by the county court, and if a city or town officer, with such security as may be approved by the council or trustees of such city or town, and conditioned that such officer will faithfully and promptly pay over to the proper person, within the time prescribed by the general revenue law, all taxes levied under this act which may be placed in his hands for collection.

§ 21. That sheriffs and other officers collecting the taxes levied under this act shall receive the same compensation as is allowed by law for the time being for collecting the State revenue.

§ 22. That any sheriff or collector, or other officer, having in his hands for collection taxes levied under this act, shall fail to collect and pay over the same within the time prescribed, such sheriff, collector, or other officer shall, with his sureties, be liable for the amount not paid as required, and ten per centum thereon, to be recovered on motion, on ten days' notice in any court having jurisdiction of the amount not thus paid over; and any execution issued on such judgments shall not be replevied, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken; and if any sheriff or other officer, whose duty it is to collect the taxes levied under this act, shall fail or refuse to execute bond as required by this act for thirty days after the tax is levied, he shall forfeit his office, and the court, council, or board of trustees levying such tax may appoint a collector, who shall execute bond with sureties, and shall have all the powers and be subject to all the duties and liabilities of sheriffs and other officers collecting under this act.

§ 23. It shall be the duty of said commissioners to see that the sheriff or other officer collects all the taxes placed in their hands for collection, and to institute legal proceedings against them on their failure to do so; and they shall

1871. appropriate such moneys, when collected, to the payment of the interest on the bonds of their county, part of a county, city, or town; and they shall, whenever a dividend is declared by said railroad company, cause their treasurer to receive the same, and pay their interest on their bonds out of it; and whenever a surplus shall remain, they shall apply such surplus to the purchase of their bonds, if they can be purchased at par, or less than par; and if they cannot be purchased at par, they shall invest such surplus in some safe and profitable manner, and in such way that the money may be readily realized when needed to buy or pay off said bonds.

§ 24. That all dividends which shall be received upon the stock held and owned by any county, part of a county, city or town, under this act, shall be, and are hereby, set apart to be held sacred as a sinking fund, to be used only as provided for in this act for the payment of the principal and interest of the bonds issued under the authority of this act.

§ 25. That it shall be the duty of said commissioners, upon the surrender to them at their offices of receipts given for taxes, to defray the expenses and interest upon their bonds of their respective counties, parts of counties, cities and towns, to the amount of one hundred dollars or more, to issue certificates to the holders thereof, setting forth the number of shares of stock to which the holder is entitled, and to give a separate receipt for any fractional part of a share, which receipt shall be negotiable by indorsement, and may be added to other like receipts or tax receipts to make up a full share; they shall write or stamp the word canceled across the face of each tax receipt taken up thus, and file it away in their office; they shall keep a list of names of those to whom they issue certificates, with the number of shares for which each was given; and shall, on the last day of each month, make out and forward to the secretary of the company a copy of the list of certificates issued during that month.

§ 26. That it shall be the duty of said company, after the first cash dividend shall be declared, on presentation at its office of the stock certificates issued under the provisions of the last preceding section, to issue stock therefor to those to whom such certificates were issued, or their representatives or assignees.

§ 27. That said commissioners shall keep an exact record of all their proceedings and acts as such, and shall keep a strict account of all moneys received or paid out by them, and shall settle their accounts annually, or oftener if required; which settlement shall state fully their accounts since the last settlement.

§ 28. Said commissioners, or one of them, shall cast the vote to which their respective counties, parts of counties, cities, or towns may be entitled in any meeting of the stockholders of said railway company: *Provided*, That if neither of them shall attend, then any person, duly authorized in writing by any two of said commissioners, shall cast the vote as proxy for said commissioners.

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§ 29. That said railway company shall be exempt from taxation until completed; and that it shall never be taxed at a valuation beyond the rate at which other roads are now taxed, nor exceeding its actual value.

§ 30. That the president and directors of said company may, with the assent of the holders of a majority in value of the stock in said company, purchase and hold any other road in this or any other State; and may subscribe stock in, or aid in building of any other road in or out of this State, whenever, in their judgment, it may be to the interest of said company to do so. They may sell the said railway, or lease the same; and may build branches from said road, and branches from said branches. Said company may in like manner connect or consolidate its said road, or any of its branches, with the railroad of any other company in or out of the State; and may lease and operate any railroad connecting with said road or branches, and upon such terms as may be agreed upon by the parties; but no such consolidation shall in anywise affect the holders of any mortgage bonds issued by said railway company.

§ 31. That the said railway company may issue and sell the bonds of said company of the denomination of one thousand dollars, to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding one million five hundred thousand dollars, bearing not exceeding ten per cent. interest, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct, within thirty years from their date.

§ 32. To secure the prompt payment of interest and principal of the bonds issued by authority of this act, said company may execute a mortgage or deed of trust conveying said railroad and its property franchises to a trustee or trustees, and with such covenants and stipulations as may be necessary to effect the purpose and object of its execution.

§ 33. That the bonds of the company, nor the bonds of counties, parts of counties, cities, or towns, issued under authority of this act, whether sold or delivered in this State or elsewhere, shall not be avoided, in whole or in part, by reason of the rate of interest agreed to be paid, or of the place at which they may be sold or delivered,

1871. nor by reason of their having been sold at less than par value.

§ 34. The General Assembly reserves the right by general laws to regulate the charges for way and through freight and passengers on this road.

§ 35. This act to take effect from its passage.

Approved March 23, 1871.

CHAPTER 1938.

AN ACT to incorporate the Broadway and Dunkirk Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Hiram Blankenbaker, Hiram Garr, N. Garr, and J. B. Parks, of the county of Jefferson; and Elijah Pearson, Isaac Caldwell, and James Graves, jr., of the city of Louisville, Kentucky, be, and they are hereby, appointed commissioners, under direction of whom, or any three (3) of whom, subscriptions may be received to the capital stock of the Broadway and Dunkirk Railway Company hereby incorporated; and they may cause books to be opened at times and places as they may elect, for the purpose of receiving subscriptions to the capital stock of said company, after giving such notice of the times and places as they may deem proper; and after the first opening of said books they may continue them for such times and places as they may deem expedient; and if such subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, said commissioners, or any three (3) of them, may cause the said books to be opened and kept open, from time to time, and at such places as may seem expedient, for the space of two (2) years thereafter, or until the necessary sum for the incorporation shall be subscribed: *Provided*, That any subscription tendered at any time or place other than that advertised by said commissioners, if accepted by them, shall be as valid against the party subscribing as if receipted at the time and place advertised; and if said commissioners shall die or resign, or refuse to act, another may be appointed in his stead by those remaining.

§ 2. That the capital stock of the Broadway and Dunkirk Railway Company shall be fifty thousand dollars (\$50,000), which may be increased by the directors of the company, as the necessities of the road may demand, to any sum not exceeding two hundred and fifty thousand dollars (\$250,000), in shares of \$100 each, which may be subscribed by any individual, city, town, precinct, county, or

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corporation ; as soon as one hundred (100) shares shall have been [subscribed], the subscribers thereof, their successors or assigns, shall be, and they are hereby declared to be, incorporated into a company, by the name of the "Broadway and Dunkirk [Railway Company];" and by that name shall be capable of purchasing, holding, selling, leasing, and conveying real estate and personal and mixed estate; and shall have succession for ninety-nine (99) years; and by said corporate name shall sue and be sued; and may have and use a common seal, which they may renew or alter at pleasure; and shall have, enjoy, and exercise all the powers, rights and privileges, which other corporate bodies may lawfully have; and may build and equip a railway with such appendages as may be deemed necessary for the convenient use of the same; to be worked and operated by horse power, commencing at or near the intersection of Broadway and Twelfth street, at Louisville; thence by such route as they may select as the most desirable, striking or terminating at the Ohio river at what is known as the Broadway and Dunkirk Ferry Landing, in Jefferson county.

§ 3. That on all subscriptions there shall be paid to said commissioners or their agent the sum of five dollars on every share subscribed, and the residue shall be paid at such times and places, and in such installments, as may be required by the president and directors of said company; and if any subscriber shall fail or neglect to pay any installment or part of such subscription demanded, the same may be recovered by action in the name of said company against such defaulting subscriber before any tribunal having jurisdiction in such cases or amounts; and in all such actions the publication of such call in any daily newspaper published in the city of Louisville, which notice shall have been published thirty (30) days in succession in such newspaper, shall be the only demand necessary to be proven; or in case such failure to pay any installment, or part of installment, demanded according to the above provisions in this section, shall continue for sixty (60) days after the said installment shall be due and payable, the board of directors may, in their discretion, order the same to be forfeited to the company, and may sell the same for the benefit of the company if they think proper: *And provided further*, That it shall be lawful to receive subscriptions to the capital stock of the company, payable in contracts, well secured, to build such parts of the road, or to perform such work in the construction thereof as may be accepted by any three of the commissioners, or the president and directors of the company, when elected; they may also receive lands as a donation or as a subscription to the capital stock of the company in like manner.

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§ 4. That as soon as practicable after one thousand (1,000) shares of stock shall have been subscribed, the commissioners, or a majority of those acting, shall call a meeting of the subscribers at some designated place, by giving twenty (20) days' public notice; and that at said meeting the commissioners shall lay the subscription book before the subscribers present; thereupon the subscribers shall elect five (5) directors from among the stockholders to manage the affairs of the company; each stockholder shall be allowed one vote for every share of stock owned by him or her; and may, in writing, deputize any person to cast the vote or votes to which he or she would have been entitled to if present.

§ 5. That to continue the succession of the president and directors of said company, five (5) directors shall be chosen annually on the first Monday in May in every year, at such place as the board may designate; and should any vacancy occur by death, resignation, or otherwise, before the expiration of the year for which he was elected, the president and directors may choose those necessary to fill the vacancy. The directors shall be empowered to elect president and officers at the annual meetings. The directors shall receive no pay for their services, but may fix the salaries of the president and officers.

§ 6. That at each regular annual meeting, it shall be the duty of the president and officers to exhibit in writing a clear and distinct statement of the affairs of the company, and oftener, if required by a majority of the directors; and every officer shall, before he acts as such, take an oath he will well and truly discharge the duties of his office to the best of his skill and ability.

§ 7. That when any parties owning lands or materials for the uses of said road shall be incompetent or unwilling to convey or contract with the said president and directors of said company for the lands or materials necessary for the use and construction of said road, then, and in that event, said president and directors are empowered to use the lawful and legal remedies that have been used or allowed by or to any of the railroad companies in Kentucky in acquiring the same.

§ 8. That the president and directors, or a majority of them, may appoint such officers, engineers, agents, or servants, whomsoever they may deem necessary for the transaction of the business of the company; and they may remove them at pleasure; also determine by contract the compensation of all the officers or servants in the employ of the company, and regulate by their by-laws the manner of adjusting and settling the accounts against the company; also power to erect buildings for the safe-

keeping of the articles intrusted to them for transportation, and all the necessary buildings for the business of the company.

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§ 9. That the president and directors of the company shall have power to issue the bonds of said road, with coupons thereunto attached, at a rate of interest not exceeding ten (10) per cent. per annum, payable semi-annually; said bonds payable in such times as may be agreed upon, not exceeding twenty (20) years; and the holders of such bonds shall have a lien upon the road, or all its fixtures, its rolling stock, appurtenances of every description, belonging to said company.

§ 10. Said road shall be commenced within three years and completed within six years from its passage.

§ 11. This act shall take effect from its passage.

Approved March 23, 1871.

CHAPTER 1939.

AN ACT to incorporate the Kentucky and Southern Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That B. W. Trobel, John B. Gordon, and Edward Denmead, of the State of Georgia; and John H. Shanks, W. McKee Fox, George R. McKee, A. L. McAfee, James B. McCreary, John C. Breckinridge, and G. W. Smith, of Kentucky, or such of them as shall act, are hereby appointed commissioners, and they and their associates and successors are created a body-politic and corporate, for the purpose of constructing a railroad from Stanford, in this State, to the State line of Tennessee, in the direction of Philadelphia, in the said State of Tennessee.

§ 2. The style and name of the corporation hereby created shall be the Kentucky and Southern Railroad Company.

§ 3. The capital stock of said company may be any sum not exceeding five millions of dollars, to be divided into shares of one hundred dollars each; and individuals, railroad companies, and other corporations, either in or out of the State, are authorized to subscribe for and hold stock in said company.

§ 4. The commissioners aforesaid, or such of them as may act, shall have power to open books, and receive subscriptions of stock in said company at any place or places, either in or out of this State, and at any time they may appoint, and upon such notice as they may deem

1871. proper; said stock to be paid in money, property, work, and materials, or in such other manner, and in such installments, as may be agreed upon between them and the subscribers.

§ 5. When bona fide subscriptions of stock to the amount or value of one hundred thousand dollars shall have been made, the said commissioners shall give notice thereof and assemble the stockholders at some convenient point; and said stockholders from their body shall elect seven directors, one of whom, to be elected by the directors, shall be president of the company. They shall remain in office for one year, or until their successors shall be elected, and which election shall be annually made by the stockholders, at some convenient place, of which reasonable notice shall be given. The stockholders may provide that the president and four directors may constitute a quorum of the board of directors. Each stockholder shall have one vote for each share of stock, and may cast the same in person or by proxy.

§ 6. After the organization of the company as directed by the foregoing section, the management and control of the affairs of the company shall be committed to said board of directors; they may continue to receive subscriptions of stock; they may acquire and hold such real and personal estate as may be necessary and convenient for the objects of the company; may sell and convey the same, and do all and every thing else which may be necessary and proper for the building, equipping, and operating said road; to fix the rates to be paid for travel and the conveyance of freight over said road, not exceeding the rates charged by other similar roads in this State.

§ 7. Said company shall have power to purchase, acquire, and hold any line of railway, finished or unfinished, lying along its line and between its termini, and all the chartered rights and privileges granted to the same, and all its property, right of way, &c.; and may proceed to construct and operate their road upon and along the line of any such finished or unfinished railway, or may construct an independent line of railroad between Stanford and Tennessee State line.

§ 8. Said company, through its board of directors, shall have and may exercise all the powers, and shall have all the rights and privileges usual and incident and necessary to the purposes of such corporations. It may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have and use a common seal, and change or alter the same at will.

§ 9. That whenever the said Kentucky and Southern Railroad Company shall request the county court of any

county through or adjacent to which it is proposed to construct said road to subscribe; either absolutely or upon specified conditions, a specified amount to the capital stock of said company, the county court so requested may or may not order an election to be held at the several voting places in said county on a day to be fixed by the court, not later than thirty (30) days after the making of such order, and shall appoint judges and other officers necessary to hold said election.

§ 10. That it shall be the duty of the sheriff of such county to give notice to the officers appointed to hold said election, in the same manner as is now provided by law in regard to other elections; and in case any of the officers appointed shall fail to attend or refuse to act, others may be appointed in the same manner as at general elections.

§ 11. That the person acting as sheriff at the several precincts shall return to the clerk of the county court, within three (3) days after the day of such election, the poll-book of their respective precincts, and on the next day thereafter the county judge and county clerk shall count the vote; and if it shall appear that the majority of all the qualified voters of said county voted in favor of the subscription of stock as proposed, the county judge shall order the vote to be entered on the record.

§ 12. That whenever the city council of any city, or the board of trustees of any town, into or near to which it is proposed to construct said Kentucky and Southern Railroad, may desire to subscribe to the capital stock of the company hereby incorporated, it shall be the duty of such city council or town trustees to submit to a vote of the qualified voters of such city or town, on a day to be designated by such council or trustees, not later than thirty (30) days after the application is made to them by said company, the question of subscribing for and on behalf of such city or town the amount of stock proposed by said company on the terms proposed; and if a majority of all the qualified voters of such city or town shall vote in favor of making such subscription, it shall be the duty of such city council or board of trustees to enter the vote on its records; but before any vote shall be taken, as provided for in this act, notice shall be given by printed advertisements set up at the voting places, and at least three other public places in the several precincts of such county, city, or town, and at the court-house door of the county, for at least twenty days preceding such election, setting forth distinctly the proposition upon which the vote is to be taken; and said election may be contested as other elections by any ten tax-payers setting up a notice to that effect at the court-house door of the county,

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which shall be sufficient service of notice to all parties concerned; and if such election is not contested, or should be decided in favor of the subscription, the fact shall, at the second succeeding term of the county court, or regular meeting of the board of trustees of the town, or city council, be entered upon the order-book of the county court by the judge thereof, or by the president of the board of trustees, or the mayor of such city; and such entry shall be the subscription, and constitute the obligation of such county, town, or city.

§ 13. That if any county, city, or town shall subscribe to the capital stock of said Kentucky and Southern Railroad Company under the provision of this act, it shall be the duty of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue the bonds of such county, city, or town in denomination of not less than one hundred nor more than one thousand dollars, in payment thereof, with coupons attached, under the seal of said county, city, or town; the bonds of the counties to be signed by the county judge and countersigned by the clerk, and the coupons to be signed by the clerk alone; the bonds of cities subscribing shall be signed by the mayor and countersigned by the city clerk or auditor, and the coupons shall be signed by the city clerk or auditor alone; the bonds of towns subscribing shall be signed by the president of the board of trustees and countersigned by the town clerk, and the coupons shall be signed by the clerk alone. Such bonds shall be negotiable and payable to the Kentucky and Southern Railroad Company, at not more than [thirty] (30) years from their date, and shall bear interest at a rate not greater than [eight] (8) per cent., payable semi-annually.

§ 14. That in case any county, city, or town shall subscribe to the capital stock of said Kentucky and Southern Railroad Company under the provisions of this act, and issue bonds for the payment of such subscription, it shall be the duty of the county court of such county, the city council of such city, and the trustees of such town, to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued, and the cost of collecting such tax, and paying the interest on all the real estate and personal property in said county, city, or town, subject to taxation under the revenue laws of the State, including the amounts owned by residents of such county, city, or town, which ought to be given in under the equalization laws.

§ 15. That on levying a tax, as provided for in this act, to pay the interest on bonds issued by the county court of any county, or of any city or town, it shall be the duty of

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the county court, city council, or town trustees making such tax, to appoint three (3) resident tax-payers of such county, city, or town, who shall be styled the Board of Commissioners of the Sinking Fund of such county, city, or town. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn in the presence of the court, council, or trustees appointing them, faithfully to discharge their duties according to the best of their skill and judgment; they shall hold their office at the pleasure of the court, council, or trustees by whom they are appointed. They shall immediately appoint one of their number treasurer, who shall execute bond, payable to the Commonwealth, with such security as shall be approved by the court, council, or trustees appointing the commissioners, conditioned for the faithful keeping and disbursing of all money coming to his hands as treasurer of such board, on which bond suit may be brought, from time to time, by and in the name of such county, city, or town, or by any other person injured by any breach of his bond in any court having jurisdiction of the sum claimed in such suit. Such treasurer may be required, at any time, to give new bond, and any surety in such bond shall be entitled to the same remedies for procuring additional or counter security as are now given to the sureties of guardians, administrators, &c. Said treasurer shall be allowed for his services such compensation, not exceeding one per cent. on the money received and paid out by him, as may be allowed by the court, council, or trustees appointing such commissioners respectively. In case a vacancy shall occur in said board of commissioners, such vacancy shall be filled by the court, council, or trustees by whom such board was appointed.

§ 16. The taxes levied under the authority of this act in any county shall be collected by the sheriff of such county; and taxes levied in any city or town shall be collected by the officer of such city or town, who is by law the collector of taxes levied for the ordinary purposes of such city or town; but before any sheriff or other officer shall be authorized to collect any such tax, he shall execute bond, if a sheriff, with such sureties as may be approved by the county court, and if a city or town officer, with such sureties as may be approved by the council or trustees of such city or town, conditioned that such officer will promptly and faithfully collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act, which may be placed in his hands for collection.

§ 17. That sheriffs and other officers having in their hands for collection taxes levied under this act, shall have all the powers of distraining and selling personal property,

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which sheriffs have in the collection of the State revenue; and when such officer shall be unable to find personal property liable to sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situated in the county, and sell the same under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on the real estate of the person taxed, which shall lie in the county in which such tax is levied; but the owner of any real estate sold may redeem the same at any time within five (5) years after such sale by paying the purchase money and ten (10) per cent. per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and ten (10) per cent. per annum thereon.

§ 18. That sheriffs or other officers selling real estate for taxes levied under this act shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, and state the amount for which it was sold, and the date of sale, which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall record the same in a book to be kept for the purpose, and for which such clerk shall be entitled to charge a fee of fifty (50) cents; and if such certificate is not recorded as herein provided, the land may be redeemed at any time within fifteen (15) years on paying the purchase money and six (6) per cent. per annum thereon; that sheriffs and other officers collecting taxes levied under this act shall receive the same compensation as is allowed by law for the time being for collecting the State revenue.

§ 19. If any sheriff or other officer, whose duty it is to collect taxes under this act, shall fail or refuse to execute bond as required by this act for thirty (30) days after the tax is levied, the court, city council, or board of trustees levying such tax may appoint a collector, who shall execute bond with sureties, and have all the powers, and be subject to all the duties and liabilities of sheriffs and other officers in collecting taxes under this act; that if any sheriff or collector, or other officer having in his hands for collection taxes levied under this act, shall fail to collect and pay over the same within the time prescribed, such sheriff, collector, or other officer shall, with his sureties, be liable for the amount not paid as required, and ten (10) per cent. thereon, to be recovered on motion, on ten days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

§ 20. It shall be the duty of the commissioners of the sinking fund to see that the sheriff or other officer collects

and pay over taxes placed in their hands according to law, and to institute legal proceeding against them on their failure to do so; they shall appropriate such moneys, when collected, to the payment of the interest on the bonds of their county, city, or town.

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§ 21. They shall, whenever a dividend is declared by said Kentucky and Southern Railroad Company, cause their treasurer to receive the same, and pay the interest on their bonds out of it; and when a surplus shall remain after paying the interest due, they shall apply such surplus to the purchase of their bonds, if they can be purchased at par or less than par; and if they cannot be purchased at par, they shall invest such surplus in some safe and profitable manner, and in such way that the money may be readily realized when needed to buy or pay off bonds.

§ 22. That all dividends which shall be received upon the stock held and owned by any county, city, or town under this act, shall be, and are hereby, set apart to be held sacred as a sinking fund, to be only used, as provided in this act, for the payment of the principal and interest of the bonds issued under the authority of this act.

§ 23. That in case the dividends upon the stock held and owned under this act by any county, city, or town, and for which bonds shall have been issued, shall not be sufficient to enable such county, city, or town to pay its bonds at maturity, it shall be the duty of the commissioners of the sinking fund to report such fact to the county court, city council, or town trustees at least five (5) years before the maturity of said bonds; and if any county court, city council, or the trustees of any town, owing such bonds, shall deem it proper to do so, they may issue new bonds, having not more than twenty years to run, payable at such place as may be designated on the face of such bonds, bearing the same interest, and secured in all respects as the bonds first issued are secured, and sell such bonds, or exchange them for the old ones: *Provided, however,* That if any county court, city council, or town trustees shall deem it inexpedient to issue and sell such new bonds, or shall be unable to raise money necessary to pay off its bonds at maturity by a sale of new bonds, it shall be the duty of such county court, city council, or town trustees to cause a tax to be levied and collected on all the property in such county, city, or town, which, by the provisions of this act, is subject to taxation, to pay interest sufficient, when added to any sum raised by sale of new bonds, to discharge the old bonds at maturity: *Provided also,* That any tax levied under the provisions of this section shall be collected by the same officers, under the same powers, and subject to the same responsibilities, in every respect, as provided in the act in relation to the collection of taxes levied to pay interest.

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§ 24. That all claims or judgments of persons for damages for injuries to persons or property, or for materials furnished for the construction or repair of said road or its branches, or for labor done on same, shall have a lien on the rolling stock and personal property of said company superior and prior to any mortgage or other lien authorized by this act.

§ 25. That it shall be the duty of the treasurers of the several boards of commissioners of the sinking fund appointed under this act, upon the surrender to them at their respective offices of receipts given for taxes paid to defray the interest on the bonds of their respective counties, cities, and towns, prior to the time of declaring the first cash dividend by said railroad company, to the amount of fifty dollars or more, to issue to the holders thereof certificates, setting forth the number of shares of stock to which the holder is entitled, and to give a separate receipt for any fractional part of a share, which receipt shall be negotiable by indorsement, and may be added to other like receipts or tax receipts to make up a full share. The treasurer shall write or stamp the word canceled across the face of each tax receipt taken up by him, and file it away in his office; and he may charge and collect fifty cents per share for each certificate issued by him. He shall keep a list of the names of those to whom he issues certificates, with the number of the certificate, and the number of shares for which each was given, and shall, on the last day of each month, make out and forward to the secretary of the company a copy of the list of certificates issued during that month.

§ 26. That it shall be the duty of the said Kentucky and Southern Railroad Company, after the first cash dividend shall be declared, on presentation at its office of the stock certificates issued under the provisions of the last preceding section, to issue stock therefor to those to whom such certificates were issued, or their representatives or assigns.

§ 27. That the commissioners of the sinking fund shall keep an exact record of all their actings and doings as such; and their treasurer shall keep a strict account of all moneys received or paid out by him, and shall settle his accounts annually, or oftener if required, which settlement shall state fully his accounts since his last settlement.

§ 28. That all the real estate lying in any county, city, or town issuing bonds under this act shall be taxed for the purpose of defraying the interest on such bonds, and for the payment of the principal, if that shall be paid by taxation; and when a part only of the land of any tax-payer shall lie in such county, city, or town, the assessor of tax shall designate in his books what part lies within such county,

city, or town, and its value; and only such part shall be assessed for the purposes of this act.

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§ 29. That the commissioners of the sinking fund, or one of them, shall cast the vote to which their respective counties, cities, and towns may be entitled in any meeting of the stockholders of said Kentucky and Southern Railroad Company: *Provided*, That if neither of them attend, then any person duly authorized by any two of said commissioners may cast the vote as proxy for said commissioners.

§ 30. That the president and directors of said Kentucky and Southern Railroad Company may, if it shall seem advisable to them, increase the capital stock of said company to a sum equal to the total cost of the road and its equipments, depots, water-stations, &c.

§ 31. That said company may acquire a right of way sixty-six (66) feet wide; but this shall not be construed as a limitation on the right to acquire any width that may be shown to be necessary by the affidavit of an engineer filed with the justice at the time of suing out the warrant for condemning such lands.

§ 32. That the said Kentucky and Southern Railroad Company shall be exempt from taxation until completed; and that it shall never be taxed at a valuation beyond the rate at which said roads are now taxed, nor exceeding its actual value.

§ 33. That the president and directors of said company may, with the assent of the holders of a majority in value of the stock of said company, purchase and hold any other railroad in this or in any other State; and may subscribe stock in, or guarantee the bonds of, or aid in the building of any other road in or out of this State, whenever, in their judgment, it may be to the interest of the said Kentucky and Southern Railroad Company to do so; they may sell the said railroad, or lease the same; and may build branches from said road, and branches from such branches.

§ 34. That said Kentucky and Southern Railroad Company may receive donations of land to be used for any of the purposes of said road, or to be sold to raise money to build the same; and may receive subscriptions to be paid in land at a valuation to be fixed by such means as may be agreed upon between said company, or its authorized agents and the subscribers; and may lease or sell and convey any land so given or subscribed.

§ 35. That said Kentucky and Southern Railroad Company may, the holders of a majority in value of all the stock therein concurring, agree on terms for consolidating said company with any other railroad company, on such terms as may be agreed upon; but no such consolidation

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shall in anywise affect the holder of mortgage bonds issued by said Kentucky and Southern Railroad Company.

§ 36. That the Kentucky and Southern Railroad Company may issue and sell the bonds of said company of the denomination of one thousand dollars; said bonds to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding three millions of dollars, bearing not exceeding (8) per cent. interest per annum, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct within thirty years from its date.

§ 37. To secure the prompt payment of the interest and principal of bonds issued by authority of this act, said company may execute a mortgage or deed of trust, conveying said railroad and its property and franchises to a trustee or trustees, and from time to time fill vacancies that may occur for the use, and to secure the holder of such bonds, with such covenant and stipulations as may be necessary to effect the purpose and object of its executions.

§ 38. That if the mortgage or deed of trust authorized by the last preceding section shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions; upon such foreclosure the president shall make a correct list of all bonds secured by such mortgage or deed of trust which have been sold, and verify it by his affidavit, which affidavit and list shall be filed in the circuit court, where only such proceedings is authorized to be had; such foreclosure shall not take place until ninety days after publication of notice of the commencement of proceedings to that end shall have been made in one or more newspapers published in the cities of ——— and ———. The persons or corporation becoming the purchaser or lessee of said road by reason of any sale or leasing to satisfy the demands of bondholders, shall be vested with all the rights, privileges, franchises, and immunities of the corporation.

§ 39. That to create and secure a fund for the final redemption of the mortgage bonds issued under authority of this act a sinking fund shall be created by said company; and in order to create such sinking fund said company shall, at the time of declaring the first cash dividend, ascertain what sum ought to be set aside annually in order to create a fund sufficient to redeem its bonds at maturity, and set apart and pass into the sinking fund that sum; and thereafter annually there shall be set aside and pass into said fund a like sum, until a fund is created sufficient to pay the outstanding bonds of the company, which fund

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shall be held sacred for the redemption of said bonds, and shall be used for no other purpose; that the company may loan and reloan the sum thus set apart at any rate of interest not greater than that paid on its bonds, or may invest the same in any safe and profitable manner deemed advisable, which is not inconsistent with the purpose and object of creating said fund: *Provided*, That said company may use any or all of said funds in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

§ 40. The bonds of the company, nor the bonds of the counties, cities, or towns, issued under authority of this act, whether sold and delivered in this State or elsewhere, shall not be avoided, in whole or in part, by reason of the rate of interest agreed to be paid, or of the place at which they may be sold or delivered, nor by reason of their having been sold at less than their par value.

§ 41. That upon application by said company to the county court of any county into or through which it is proposed to construct said Kentucky and Southern Railroad, such courts shall appoint three (3) commissioners, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material or thing required for the site or construction of said road, or whenever the land or material required shall be owned by any persons not a resident of said county, or who is a *feme covert*, infant, or *non compos mentis*, it shall be the duty of said commissioners to run the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and make out and return to the office of the clerk of the county court a report in writing, particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the county, and whether a *feme covert*, infant, or non-sane person. The clerk shall receive such report, and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons commanding the owner or owners of such land to appear and show cause why the report should not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. This report shall be docketed in the county court, and stand for trial at any

1871. term of said court, commencing not less than (10) days after service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner or by an attorney appointed to defend for him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless for good cause shown time is given for preparation.

§ 42. If no exceptions are filed, the report shall be confirmed. The jury and commissioners shall, in estimating the damages to any proprietor of land or material sought to be condemned for said road, be governed by the same rule as prescribed in section thirteen of an act incorporating the Elizabethtown and Paducah Railroad Company, approved March 5, 1867; and the mode of valuation provided for herein shall have the same effect, and confer upon the company all the rights and privileges which would be conferred if the proceeding had been had in accordance with the provision of the original charter of said Elizabethtown and Paducah Railroad Company; and whenever a verdict shall be had, the court may give judgment condemning such land or material for the use of said company, and against the company for the amount of damages assessed, and also to the owner for his cost, if the verdict shall be for more than was assessed by the commissioners.

§ 43. The mayor and council, or general council of any city, and the board of directors of any railroad company, may, on behalf of their city or company, guarantee the payment of the principal and interest of the bonds of the said Kentucky and Southern Railroad Company; and any railroad company or other corporation may subscribe to the capital stock of the said Kentucky and Southern Railroad Company.

§ 44. That the construction of this road shall be commenced within two years, and be completed within five years, from the passage of this act.

§ 45. All acts and parts of acts inconsistent with the rights and privileges conferred by this act, are hereby repealed.

§ 46. This act shall take effect from its passage.

Approved March 23, 1871.

CHAPTER 1940.

1871.

AN ACT to amend an act, entitled "An act to incorporate the Louisville, Memphis, and New Orleans Railway Company," approved February 24th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Louisville, Memphis, and New Orleans Railway Company," approved February 24th, 1870, be, and the same is hereby, amended as follows: That in order to continue the succession of the directors of said company, elected on the 15th day of September, 1870, the president and directors of the said Louisville, Memphis, and New Orleans Railway Company shall call a meeting of the subscribers to the capital stock of said company, at the office of said company in the city of Louisville, on the first Tuesday in May, 1871, and such subscribers as have paid five dollars upon each share of stock subscribed for by him shall proceed to elect a board of directors, to consist of not less than nine nor more than fifteen stockholders, as the board of directors may, by order or resolution, prescribe.

§ 2. Annual elections for directors shall be held on the first Tuesday in May of each year thereafter, at such place as the president and directors may, by order or resolution, direct; notice of the time and place shall be published in some newspaper published in the city of Louisville for at least ten days preceding such elections; and the president and directors of said company shall have power and authority to appoint the judges of all such elections; and every stockholder who has paid up all calls and installments due upon any shares of the capital stock of said company subscribed by him or her, as the case may be, and each holder of stock certificates, after the capital stock shall have been paid up, shall be entitled to one vote for each share of stock so subscribed or held, and may cast the same in person or by proxy.

§ 3. That the president and directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment.

§ 4. That the president and directors of the said Louisville, Memphis, and New Orleans Railway Company are hereby invested with all the powers, rights, franchises, and authority requisite, necessary, and desirable to construct a railway, with double or single track, and line of telegraph, from such point in the city of Louisville as they may select; thence through such counties in this Commonwealth as they may choose to any point or points on the boundary line of the States of Kentucky and Tennessee that they

1871. may select; and that they may cause to be made contracts with others for making said road or any part of it; and that they, their agents, engineers, &c, or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate any land which may be wanted for the site of said road, or the erection of warehouses or other structures, or works necessary and convenient to said road, or for its use, or for any other purpose necessary or useful in the construction or repair of said road, or its works and appurtenances; and they may build bridges and construct tunnels; they are also hereby fully authorized and empowered to construct such branch railroads to their main trunk road in or through such counties in this Commonwealth as they may deem proper; and to that end all the powers conferred by this act, and the act to which this is an amendment, for constructing the main trunk road, are also hereby extended to, and conferred upon, said company, for the purpose of constructing branch roads.

§ 5. That the presiding judges of the county courts of the respective counties, into or through which it is proposed to construct said Louisville, Memphis, and New Orleans Railway, or any of its branches or extensions, be, and they are hereby, authorized and directed, upon the written application of said railway company, to make an order submitting to the qualified voters of their respective counties the question whether the county judge shall subscribe for a given number of shares of the capital stock of said railway company for and on behalf of the county; said elections shall be held upon a day to be named in the order submitting the question, not earlier than twenty (20) days nor later than forty (40) days from the date of the presenting of the application to the presiding judges of the respective county courts; said judges shall also appoint all officers necessary to hold said elections. It shall be the duty of the sheriffs of the respective counties to give notice to the officers appointed to hold said elections in the same manner as is now provided by law in regard to other elections; and in case any of the officers appointed shall fail to attend or refuse to act, others may be appointed in the same manner as at general elections; that the person acting as sheriff at the several precincts shall return to the clerk of the county court, within three (3) days after the date of such election, the poll-books of their respective precincts; and on the next day thereafter the county judge and county clerk shall count the vote; and if it shall appear that the majority of those voting voted in favor of the subscription of stock as proposed, the county judge shall order the vote to be entered on the record, and he shall make the

subscription on behalf of the county on the terms specified in the order submitting the question to a vote. 1871.

§ 6. That the presiding judges of the county courts of the respective counties into or through which it is proposed to construct said Louisville, Memphis, and New Orleans Railway, or any of its branches or extensions, be, and they are hereby, authorized and directed, upon the written application of said railway company, to make an order submitting to the qualified voters of any designated election precinct or precincts the question whether the county judge shall subscribe for a given number of shares of the capital stock of said railway company for and on behalf of said designated precinct or precincts. Said election shall be held upon a day to be named in the order submitting the question, not earlier than twenty (20) days, or later than forty (40) days, from the date of the presenting of the application to the presiding judge of the county court; said judges shall also appoint all officers necessary to hold said elections; and the poll-books shall be returned, and the vote shall be counted and entered on the record of the county court, in the same manner prescribed in the preceding section of this act; and if a majority of those voting in such designated precinct, or a majority of the aggregate votes cast in such designated precinct or precincts shall be in favor of making such subscription, the judge of the county court shall forthwith make the subscription on behalf of the precinct or precincts to which the question was submitted, and in accordance with the terms upon which it was submitted.

§ 7. That sections sixteen (16), seventeen (17), eighteen (18), and nineteen (19) of the act to which this is an amendment, and an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to amend the charter of the Louisville, Memphis, and New Orleans Railway Company," approved March 21st, 1870, be, and the same are hereby, repealed.

§ 8. That if any county, city, or town shall subscribe to the capital stock of said Louisville, Memphis, and New Orleans Railway Company, under the provisions of this act, and the act to which it is an amendment, it shall be the duty of the judge and clerk of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue the bonds of such county, city, or town, in denominations of not less than one hundred nor more than one thousand dollars, in payment thereof, with coupons attached, under the seal of such county, city, or town; the bonds of the counties to be signed by the county judge and countersigned by the clerk, the coupons to be signed by the clerk alone; the bonds of cities subscribing shall be signed by the mayor and coun-

1871. tersigned by the city clerk or auditor, and the coupons shall be signed by the clerk or auditor alone; the bonds of towns subscribing shall be signed by the president of the board of trustees and countersigned by the town clerk, and the coupons shall be signed by the clerk alone. Such bonds shall be negotiable and payable to bearer at not more than thirty (30) years from their date, and shall bear interest at a rate not greater than eight (8) per cent., payable semi-annually.

§ 9. That if any election district or districts in any county shall subscribe to the stock of said company under the provisions of this act, or the act to which it is an amendment, it shall be the duty of the judge and clerk of the county court of such county to issue the bonds of such district or districts in payment thereof, in every respect as if such subscription had been made by the county, except that the bonds shall show on their face the district or districts for which they are issued, and such districts shall be alone bound to pay said bonds and their interest : *Provided, however,* That nothing in this act, or the act to which this is an amendment, shall authorize the counties of Caldwell, Lyon, Trigg, Calloway, or Livingston, or any district or town in said counties, to subscribe stock to aid in the construction of the Louisville, Memphis, and New Orleans Railroad.

§ 10. This act shall take effect from and after its passage.

Approved March 23, 1871.

CHAPTER 1941.

AN ACT for the benefit of John Solomon Smith, of the County of Shelby.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Solomon Smith, of the county of Shelby, be, and is hereby, relieved from all the disabilities of minority, and hereafter said John Solomon Smith shall be capable in law of contracting and being contracted with as if he were twenty-one years of age.

§ 2. This act shall be in force from and after its passage.

Approved March 23, 1871.

CHAPTER 1942.

1871.

AN ACT for the benefit of Wm. T. Langridge, a minor under the age of twenty-one years.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for Wm. T. Langridge, of Graves county, to receive a license to practice law as an attorney and counselor at law in the various courts of law and equity in this State, if he shall first obtain the certificate of character now required by law, and undergo and pass satisfactorily the examination now provided by law for persons applying for license to practice law; and he shall enjoy all the privileges, and be liable to all responsibilities, suits, and legal proceedings as other attorneys, his minority to the contrary notwithstanding.

§ 2. This act shall be in force from its passage.

Approved March 23, 1871.

CHAPTER 1943.

AN ACT to amend and reduce into one the several acts in relation to the Town of Slaughterville, in Webster County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of the town of Slaughterville be as follows: Beginning at a planted stone in the east fork of Deer creek, running south 76, west 9½ poles to point A in the original survey, made by W. H. Buntin, 23th December, 1865; thence continuing the same course 184½ poles to a stake; thence south 14 east 69½ poles to a stake; thence in a straight line to the trestle bridge on the Evansville, Henderson, and Nashville Railroad to a point 30 poles south of the present depot; thence with the meanders of said creek to the beginning corner, and the same is hereby declared the boundary of said town; but provided that all laws and by-laws for peace and good government of said town shall extend one half mile beyond the corporate limits.

§ 2. That the fiscal, prudential, and municipal concerns of said town, with the government thereof, shall be vested in a board of trustees, five in number, to be annually elected on the first Monday in April of each year, by the qualified voters of said town: *Provided, however,* That no person shall be eligible to said office of trustee who has not resided in said town one year next before his election, and who shall not be at the time a qualified voter for State Representative: *And provided further,* That a ma-

1871. jority of said board shall form a quorum for the transaction of business, and the trustees elected shall continue in office until their successors are elected and qualified: *And provided further*, That in case of a vacancy being created by death or otherwise, the remaining members of said board shall have power to fill such vacancies by appointment.

§ 3. That the said trustees and their successors shall be a body-politic and corporate, and shall be known by the name and style of the Board of Trustees of the town of Slaughterville; and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all the courts and places; and may use a seal, and do all other acts, matters, and things which a body-politic and corporate having perpetual succession can lawfully and rightfully do and perform.

§ 4. Said trustees shall take an oath before the police judge, or some other officer qualified to administer the same, that they will faithfully, and without favor or affection to any one, discharge the duties that may devolve upon them as trustees during their continuance in office, as well as the general oath provided in the Constitution. It shall be their duty to appoint one of their own body chairman, who shall preside at all their meetings; and in the case of absence of the chairman, they shall appoint a chairman *pro tem.*, and in case of his death, removal from town, or vacation of his seat as trustee, may appoint another in his stead.

§ 5. All male citizens of said town over twenty-one years of age, and entitled to vote for State Representatives, shall be entitled to vote in the election of trustees and other officers hereinafter named.

§ 6. At the same time and in the same manner as herein provided for the election of trustees, an election shall also be held for the office of police judge and town marshal. The police judge shall be known by the style of "The Police Judge of Slaughterville;" he shall have the same qualifications as the trustees are herein required to have, and he shall have within the boundaries of said town, and one half mile beyond, as established by this act, all the civil and criminal jurisdiction which, by existing laws, are conferred upon justices of the peace; and in addition thereto, shall have all jurisdiction in felonies and misdemeanors which, by the Code of Practice in criminal cases, is especially conferred upon police judges as such; he shall be a conservator of the peace, and have jurisdiction over affrays, assaults or batteries, riots, breaches of the peace, unlawful assemblies, all

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cases of indecent or immoral behavior, or conduct calculated to disturb the peace and dignity of said town; over all cases of drunkenness, Sabbath breaking, running horses, firing guns or pistols, making reports by burning powder or fire-works, blowing horns, hallooing aloud, by day or night, and other riotous and disorderly conduct whatever within said town; all of which are hereby declared to be misdemeanors; and all fines imposed by him for any of the above named misdemeanors shall, when collected, be paid into the treasury of the town; he shall have power to impose fines in cases of misdemeanor to the amount of thirty dollars; but in all cases the accused shall be entitled to a trial by jury; he shall have jurisdiction of all offenses or causes arising out of the by-laws and ordinances passed by the board of trustees for the enforcement of the power granted them by law; he shall have power to issue subpoenas for witnesses in cases pending before him, and upon their failure to attend, may award compulsory process to compel their attendance; he shall have power to fine and imprison for contempts: *Provided*, The fine does not exceed ten dollars, nor the imprisonment four hours.

§ 7. That upon all judgments rendered by the said police judge, either party shall have the right of appeal from said judgments in the same manner that appeals are taken from judgments of justices of the peace.

§ 8. That the fees allowed said police judge shall be the same as are by law allowed justices of the peace for similar services.

§ 9. The marshal shall see that the ordinances of the said town are carried into execution; and shall collect and pay over all fines imposed by the police judge for misdemeanors, as provided in the sixth section of this act; and shall serve all process and precepts to him directed by said police judge, and make due return thereof; collect all taxes assessed in said town, executions, and other demands placed in his hands to collect, and account for and pay over such sums to the person entitled thereto under the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions and other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against sheriffs or constables in similar cases. Said marshal shall be entitled to the same fees for collecting the town tax as sheriffs for collecting the county levy; and in all other cases the same fees constables are allowed for like services; and to give a bond in the county court not to exceed one thousand dollars for the faithful discharge of his

1871. duties, and such other qualifications as are required of constables.

§ 10. The trustees shall have power to appoint a clerk, who shall keep, in a fair and legible hand, and in a book provided for that purpose, a full record of all the proceedings of the board of trustees. Said clerk may be removed at the pleasure of a majority of the board elected; and shall receive such compensation as may be deemed proper by such board of trustees.

§ 11. All vacancies that may occur after an election in either the offices of trustee, police judge, or marshal, may be filled by a majority of the board in office; and the person thus appointed shall remain in office until the succeeding annual election, and until his successor is qualified.

§ 12. All elections for office under this act shall be conducted by the clerk of the board, whose duty it shall be to give one week's written notice of such election, posted at three public places in said town. He shall, after such election, give to each officer a certificate of his election, who shall thereupon take the oaths prescribed by this act and the oaths prescribed by law.

§ 13. The board of trustees shall meet at least once every month at such time and place as they may designate, and oftener if emergency require it; and any member failing to attend a meeting shall be liable to a fine not exceeding two dollars for each offense, to be recovered before the police judge of said town in the name of the chairman of the board of trustees.

§ 14. Said trustees, for the use, benefit, and ornament of said town, shall have power to acquire real, personal, and mixed estates, either by purchase, donation, or otherwise; and shall have power to sell and convey the same, the majority of the board consenting thereto: *Provided*, That the votes for and against a proposition of a sale shall be specially entered upon the records kept by the clerk.

§ 15. That the legal title to all the streets and alleys in said town, and to all the real, personal, or mixed estate which now or may hereafter belong to said town, shall be, and is hereby, vested in the said board of trustees and their successors in office; and they shall have full power and authority to maintain and carry into judgment and execution any action or actions of trespass for any injury done to the same, and may in like manner maintain and carry into judgment and execution any other appropriate action or actions for the recovery of their property or damages for the detention, taking, injury, or destruction of the same, and that the same process may issue, and execution be awarded, as are applicable by law to suits by private individuals: *Provided*, That in all such cases, when the damages are laid at a sum not exceeding fifty dollars, the

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police judge, or any justice of the peace, shall have concurrent jurisdiction, subject to an appeal as in other cases.

§ 16. That the trustees shall have power to clear the streets, alleys, sidewalks, and passways of said town of all obstructions, to erect and sink cisterns, wells, and pumps, and direct drainage for said town; they shall have full power to remove and abate any nuisance or nuisances in said town, and to regulate the storage or removal of any combustible or unwholesome material; they shall also have power to cause any chimneys, flues, stove-pipes, or fire-places, that, in their opinion, threaten the security of property, to be changed and repaired, so as to remove the cause of danger; they shall also have the power to cause the owner or owners or occupiers of property fronting on streets or alleys to keep the said streets or alleys in front of them free from filth, and in all cases enumerated in this section, when the persons who should do so fail or refuse to obey and perform the directions given in relation thereto by said trustees the trustees may have their orders executed at their own expense, and the cost and charges thus incurred shall be paid by those who shall not have complied with the directions of the board, and may be recovered in the name of the board of trustees by a warrant before the police judge, if the sum claimed be fifty dollars or under, and if over that sum, by suit in Webster circuit court or court of common pleas.

§ 17. That whenever a majority of the qualified voters in said town shall require a street to be paved or macadamized, the trustees shall have the power to cause the same to be done.

§ 18. That the board of trustees of said town may, from time to time, direct and require the owners of lots and parts of lots in said town, when the same fronts upon a street or alley, to cause the same to be paved with sidewalks in front of their respective lots or of fractions of lots of such width and of such material, and in such manner and such elevation, as the said board may deem expedient; and if the owner or owners of such lot or lots, or fractions of lots, shall fail to have such sidewalk repaved or paved within the time and in the manner prescribed by said board, then said board may have their orders executed at their own expense, and the costs and charges thus incurred shall be paid by the person or persons who shall have failed to comply with the directions of the board, and may be recovered in the name of the board of trustees by warrant before the police judge, if the sum is fifty dollars and under, and if over that sum, by suit in the Webster circuit court or court of common pleas; and the board of trustees shall have a lien upon the property of such person or per-

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sons for the amount of cost and charges thus incurred by them : *Provided*, That they shall not require the improvement of any lot exceeding the amount of fifty per cent. of the full value of said lot or part of lot.

§ 19. That said trustees may tax every hotel or saloon-keeper, or other person who may receive license from the county court to sell spirituous or vinous liquors, or the mixture thereof, in less quantities than a quart, within the said town, or one half mile from its limits, as established by this act, a sum not more than fifty dollars per annum, by requiring such persons to apply to the clerk of said town and pay the amount required, and get license in the name of said board of trustees, to be paid into the treasury of the town; and they may suspend or suppress the license of such person so to sell, whenever in their judgment it shall be deemed expedient so to do; and said trustees may also close the bars or drinking-saloons of such persons upon Sundays, and such holidays as they may deem it proper and expedient so to do, a majority of said board concurring therein; said board of trustees may also tax druggists, merchants, and others selling liquors in quantities of more than a quart within said town, a sum not exceeding twenty-five dollars per year, to be paid to the clerk, and he granting them license as in case of hotel and saloon-keepers; they shall also have power to require all merchants, grocers, tobacco-nists, and all other persons doing business in said town, to pay to the clerk a license not to exceed twenty dollars per year, to be paid into the treasury of said town.

§ 20. The trustees shall have power, whenever the public convenience or safety may require it, to prohibit hogs, cattle, horses, dogs, and other descriptions of animals, from running at large in the streets, lanes, alleys, commons, and other public places in said town, and to require and compel the abatement and removal of all nuisances within the limits of said town, under such regulations as shall be prescribed by ordinances.

§ 21. They shall also have power to require a special license for the sale of playing cards, and require any business house keeping the same to pay a sum not to exceed ten dollars per year for such license to the clerk of said town, to be paid into the treasury as required by hotel and saloon-keepers.

§ 22. The trustees shall have power to build a station-house in which to confine drunken and disorderly persons, and such as refuse or fail to pay the fines assessed by the police judge for misdemeanors, and shall appoint a keeper for the same, and require him to keep such persons safely.

§ 23. The trustees shall have power, and it shall be their duty, to appoint annually an assessor, who, after being

sworn faithfully to perform the duties of his office, shall call upon the taxable persons within the limits of the said town, and make out a true list of their taxable property, with the value thereof, and this shall be made upon the oath of the tax-payer, to be administered by the assessor; and said list shall embrace all the real and personal estate in said town, all the males over twenty-one years, and personal property, including household furniture; and if any person shall refuse to give in said list, he or she shall be treble taxed on the value of their property; said value to be ascertained by the oaths of any two persons resident in said town, and said treble tax to be recovered by warrant before the police judge in the name of the board of trustees, regardless of the amount claimed; the said assessor shall return his list within one month from the date of his appointment to the clerk of the board of trustees, and may be fined for a failure so to do upon a warrant before the police judge, in the name of the board of trustees, in a sum not less than five nor more than fifty dollars; but the board may, for good cause shown, extend the time for said assessor to return his list; said assessor shall be paid for his services such sum as said trustees may order.

§ 24. The trustees shall have power to levy an ad valorem tax, not to exceed one per cent. upon the dollar for each one hundred dollars' worth of taxable property of said town, exclusive of the poll-tax; the poll-tax shall not exceed two dollars upon each tithe in said town.

§ 25. The trustees shall have power to tax all shows, theatrical performances, and exhibitions of whatsoever name or nature, in any sum not exceeding twenty dollars for each day such show, theatrical exhibition, or public performance, may exhibit in said town, or within one half mile of the limits thereof.

§ 26. The trustees shall appoint a treasurer, who shall be required to execute a bond, with sufficient security, for the discharge of his duty, said bond to be taken by the police judge, and approved by the trustees. The treasurer shall receive and receipt for all money paid into the town treasury; and keep a correct record of the fiscal concerns of the town; and shall pay out money from the treasury upon the orders of the trustees, countersigned by the clerk thereof. He shall take an oath faithfully to discharge his duties; and shall be paid for such services such amount as the trustees may deem proper.

§ 27. The marshal of said town, in the execution of the ordinances of the trustees and the judgments of the police judge, and in the collection of taxes, shall have all the powers to levy and distress now vested by law in the sheriffs of this Commonwealth. Said marshal shall be overseer of the streets and alleys; and whenever a *capias*

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1871. *pro fine*, issued by the police judge, shall come to his hands, he may arrest and imprison the defendant or defendants in the station-house of said town until the said *capias* is satisfied.

§ 28. The said trustees shall exercise and possess all the powers and privileges which are by the general laws of the State vested in and granted to trustees of towns; they shall have full power and authority to make all necessary by-laws, ordinances, and regulations to carry into full effect the powers granted by this act, and such others as are not contrary to the Constitution and laws of this Commonwealth, for the purpose of securing the quiet and good order of said town, and the comfort and health of the citizens thereof.

§ 29. The record of the proceedings of the board of trustees shall be taken and received as recorded evidence in any court of this State; and a certified copy from the clerk shall be sufficient for any purposes of evidence; for which copy the clerk shall be allowed such fees as are now allowed to clerks of the circuit court.

§ 30. The marshal shall have full power to carry the ordinances and by-laws of the board of trustees into effect; and all warrants or executions issued by the police judge or a justice of the peace, for any infraction of any of the by-laws or ordinances of said board, or a violation of any of the laws of the land, shall be issued in the name of the Commonwealth, and directed to the marshal or any constable of Webster county, whose duty it shall be to execute the same, and return it before the police judge of said town. In the collection of any executions and demands that may come to his hands, the marshal shall be subject to the same rules and regulations which by law govern constables; and shall be subject to the same proceedings which may be had against constables in similar cases.

§ 31. In the collection of taxes the marshal shall be governed by the same rules and regulations which govern sheriffs in the collection of taxes; and shall be subject to the same proceedings which may be had against sheriffs in similar cases.

§ 32. The process in any civil case pending before the police judge may be directed by him to the marshal or any constable of Webster county.

§ 33. Cases arising under the by-laws of said town shall be tried by the police judge as soon as practicable. He shall hold a court for the trial of civil cases; and every three months the time of holding shall be fixed by the Webster county court: *Provided*, It shall not be in the same months in which the justices of the peace in said county hold their courts.

§ 34. All fines and forfeitures in cases cognizable before said police judge, arising under the by-laws of said town, shall be collected and paid to the treasurer of said board of trustees for the use and benefit of said town. 1871.

§ 35. Any justice of the peace for the county of Webster may issue any civil or criminal process, directed to the said marshal, whose duty it shall be to execute the same: *Provided*, That said marshal shall not be compelled to go more than one half mile from the limits of said town to execute such process.

§ 36. That all acts or sections of acts which may have heretofore been passed by this General Assembly, which may conflict with any of the provisions of this act, be, and the same is hereby, repealed.

§ 37. All citizens of said town shall be exempt from working on roads outside of the corporate limits of said town; and the marshal shall be the overseer of the streets and alleys; and shall have the same power to summons all persons of said town to work the same, under the same laws, regulations, and requirements, as surveyors of public roads in the county of Webster.

§ 38. This act to take effect from its passage.

Approved March 23, 1871.

CHAPTER 1944.

AN ACT to amend an act, entitled "An act to incorporate the Town of Concordia."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The number of trustees for the town of Concordia, in Meade county, be reduced from seven to five, a majority of whom shall constitute a quorum for the transaction of business.

§ 2. There shall be established in said town a court, to be styled the police court of Concordia, which shall be held by a judge, who shall be called the police judge of Concordia, and shall be elected by the qualified voters of said town for the same term, and have the same qualifications, as county judges. He shall, before entering upon the discharge of his duties, take the oaths prescribed by the Constitution and laws of this State; and on failure to do so for twenty days, his office shall be declared vacated by the board of trustees.

§ 3. Said court shall have original and exclusive jurisdiction in all prosecutions for the violation of the ordinances of said town, the jurisdiction of all pleas of the Commonwealth arising within the limits of said town, or

1871. within one mile of the corporate limits thereof, except cases of felony.

§ 4. Said police court shall have original and concurrent jurisdiction of all cases of riots, routs, unlawful assemblies, assaults, batteries, affrays, or other breaches of the peace committed within the limits of said town, or within one mile of the corporate limits thereof. It shall also have original and concurrent jurisdiction over all cases of larceny of goods, chattels, or other things of less value than four dollars, committed within the limits of said town, and of all cases of vagrancy therein, or within one mile of the corporate limits thereof.

§ 5. There shall be a quarterly term of said court on the third Mondays in April, July, October, and January in each year, and held as many days as the business of the court may require; but said court may be held at any time for the trial of criminal cases and breaches of town ordinances; and the provisions of the Criminal Code, except where inconsistent with this act, shall apply in all such cases; and said court shall have the same civil jurisdiction in all cases as is conferred on justices of the peace.

§ 6. Said judge shall be his own clerk; but it shall be lawful for him to appoint a clerk to act as his deputy, who shall possess the same qualifications, and take the same oaths, before entering on the duties of his office, that are required for clerks of the county courts.

§ 7. Whenever, from any cause, the judge of said court fails to attend the court, or, if in attendance, cannot properly preside in any cause or causes pending in said court, the presiding judge of the Meade county court, or any justice of the peace for Meade county, may preside in his place; and the person so presiding shall, during the period he acts, have all the powers, and be liable to all the responsibilities, of the police judge, and shall receive all fees accruing during said period.

§ 8. Appeals from judgments of said police court shall lie in all civil cases, unless otherwise provided for, to the Meade quarterly court, to which shall also lie all appeals from its judgments for breaches of the ordinances of said town, where the penalty or forfeiture set forth in the ordinances exceeds ten dollars, and does not exceed fifty dollars. In all other cases (except for breach of ordinance, where the fine does not exceed ten dollars) an appeal shall lie to Meade circuit court, and said appeals and proceeding thereon shall be governed by the general laws regulating appeals from the inferior courts to the circuit court.

§ 9. The fines and forfeitures recovered in said police court in the name of, or in favor of, the Commonwealth of Kentucky, in cases arising in said town, or within one mile

of the corporate limits thereof, or in the name of the town of Concordia, are hereby granted to said town.

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§ 10. It shall be the duty of the county attorney for Meade county to prosecute all pleas of the Commonwealth in said court, or prosecutions in the name of the town of Concordia; and he shall receive the same fees in such cases, and the same per centage of the fines, penalties, and forfeitures imposed in the same, as are given by law to county attorneys, or to attorneys for the Commonwealth for similar services.

§ 11. Said court shall be a court of record, and all copies of papers or records on file with the judge shall, when duly attested by him, be received as evidence in all cases wherein the originals would be evidence; but nothing herein shall prevent any court from having the original record produced and brought to court by the proper process.

§ 12. The fees of said judge, whether acting as judge or clerk, shall be the same in all cases as are now or may hereafter be given by law to officers performing like services; and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdiction.

§ 13. The marshal of said town shall hereafter be elected by the qualified voters residing therein, and shall hold his office for the term of two years, and until his successor shall be elected and qualified; and shall enter on the discharge of his duties within twenty days after his election, in default of which, the board of trustees shall declare the office vacant, and appoint a suitable person to fill the vacancy. Before entering on the discharge of his duties, he shall execute a bond before said board of trustees, with one or more sureties, to be approved by said board, in substance as follows: We, ———, marshal of the town of Concordia, and ———, his sureties, jointly and severally bind ourselves to the Commonwealth of Kentucky, that the said ———, as marshal of the town of Concordia, shall well and truly execute, and due return make, of all process and precepts to him directed and to him delivered, and all notices and orders of justices or other tribunals given him to execute, and will pay and satisfy all sums of money by him received upon any process or precept, or any note, account, fee bill, taxes of the town of Concordia, fines, or other claims placed in his hands for collection, to the person entitled thereto; and in all other things shall faithfully discharge all the duties of said office during his continuance therein; he shall also take the oath prescribed by the Constitution and laws of this State to be taken by constables, before entering on the discharge of his duties.

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§ 14. Any person injured by a breach of said bond may, in any court having jurisdiction, prosecute, on motion thereon in their own name, and at their own cost, against the marshal and his sureties, in the manner now prescribed by law for proceedings against sheriffs or constables in cases of delinquency or breaches of official duty.

§ 15. The board of trustees may, at any time, notify said marshal to give additional security on his bond, which notice shall be served as notices are directed to be served under the Civil Code; and they may, upon his failure to do so within five days after service of said notice, declare his office vacant, and appoint another person to fill the vacancy.

§ 16. Said marshal shall be a peace officer, and shall possess all the power to arrest persons charged with offenses, and to execute, within Meade county, in criminal cases, all writs, process, warrants, and orders to take bail, which is now or may hereafter be given to sheriffs or other peace officers, and shall be entitled for his services to the same fees which said officers are entitled to. He shall attend all meetings of the board of trustees, and all sittings of said police court, and preserve order and act as crier at the same. He shall have power to levy and execute all process, executions, or judgments, civil or criminal, which issue out of said court; and shall have the same powers to collect claims, fee bills, etc., and to act in all civil cases, and to execute all process and executions in said county, as are now or may hereafter be given by law to constables; and he and his sureties shall be responsible for the proper execution of all process and the collection of all claims put into his hands, and for his official acts, in the same way and to the same extent that sheriffs and constables are now responsible. It shall be his duty to execute all ordinances of the board of trustees, passed in pursuance of the act to which this is an amendment, whenever acts or duties are specifically presented for him to perform; and he shall report to the police judge all infractions of the ordinances of said town, and all misdemeanors or felonies committed within said town of which he may receive information.

§ 17. The marshal shall act as collector of said town; and he and his sureties shall be responsible on his bond for the collection and payment of all taxes due said town; and he may proceed in the manner prescribed for their collection by the act to which this is an amendment.

§ 18. The marshal shall be entitled to the same fees as the sheriff and constables are respectively, whenever he performs services similar to those of sheriffs and constables.

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§ 19. An election for police judge, marshal, and trustees of said town, shall be held on the second Monday in May, 1871, and Barnaby Worland and Fielding D. Popham are appointed judges, and Paul E. Buren, clerk of said election, and John Roberts, sheriff. It shall be the duty of the sheriff appointed by this act to deposit the poll-books of said election with the clerk of the Meade county court, within three days after the election, who shall file them in his office, and issue certificates of election to the person elected.

§ 20. There shall thereafter be an election held annually on the second Monday in May, for the election of such officers for said town as are required to be elected by the qualified voters of said town. The board of trustees shall, before such election, appoint as officers thereof two persons, one as judge and the other as clerk, and the marshal of the town shall act as sheriff. If, from any cause, the appointees do not act, it shall be the duty of the marshal to appoint other persons in their stead; and if the marshal fails or refuses to act, the police judge may fill the vacancies by the appointment of competent persons. Officers of the town elections shall perform similar services, be entitled to like pay, liable to the same penalties, and governed in all matters not inconsistent with this act, and in the same way as officers of the State elections; the expenses of said elections to be paid by the town.

§ 21. In all elections for officers of said town after the first election, the person acting as sheriff of such election shall, within three days after the same, deposit the poll-books with the clerk of the Meade county court, who shall file said books in his office. Said county court clerk, the county attorney, and the person who acts as sheriff of the election, shall constitute a board for examining the poll-books and giving certificates of election. Any two of them may constitute a board, which shall meet within four days after the poll-book is filed as aforesaid, and shall compare the poll and ascertain the correctness of the summing up of the votes for the offices for which an election was held, one of which certificates shall be given to the person elected, and the other to the clerk of the board of trustees, who shall file the same with the papers of the town.

§ 22. Whenever any two or more persons shall receive the highest and an equal number of votes for the same office, such election shall be determined by lot in such manner as the board of examination may direct. The elections provided for in this act may be contested before the same board, and the same proceedings had as when elections for county officers are contested, under chapter 32 of the Revised Statutes of Kentucky.

1871. § 23. Whenever a vacancy shall occur in the office of police judge or marshal by death, resignation, or otherwise, the board of trustees shall appoint some competent person to fill the vacancy until the next annual election for officers of said town, and until his successor is duly qualified; and the said board of trustees shall issue a writ of election to fill such vacancy, which writ shall be delivered to the sheriff of Meade county, and on which he shall act as on writs issued for the election of county officers, under provisions of Revised Statutes, article 6, chapter 32.

§ 24. All resignations of the officers of said town of Concordia shall be tendered to the board of trustees in writing, and shall be noted on the records of said town.

§ 25. The board of trustees of said town shall have power to fix penalties for breaches of the town ordinances, not exceeding fifty dollars.

§ 26. All acts or parts of acts conflicting with this act are hereby repealed.

[This bill became a law 6th March, 1871, the Governor having failed to sign or return as required by the Constitution.]

CHAPTER 1945.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts concerning the Town of Hopkinsville," approved March 5th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one the several acts concerning the town of Hopkinsville," approved March 5th, 1870, be, and the same is hereby, amended as follows, to-wit: Amend subsection ten of section thirteen, article three, so that the same shall read as follows, to-wit: To open, receive, alter, abolish, widen, extend, grade, pave, gravel, or otherwise improve, clean, and keep in repair the streets, alleys, avenues, lanes, public grounds and squares in the city, and to drain the streets and public places therein, and to purchase or condemn land for drainage purposes, and for opening, widening, altering, or extending streets, alleys, avenues, and lanes, in the following manner, to-wit: The board of councilmen may, by ordinance or resolution, provide for the purchase, at a stated price, of any designated property for any of the purposes mentioned; and the chairman of the board may tender to the owners of the property, if adults, the money at said price, and make the purchase if assented to; but if the owners refuse to sell at such price, or if they, or any of them, be infants, or otherwise incompetent to contract, the land may be condemned in a proceeding for that purpose in the Hopkinsville city court, in the name of the

city of Hopkinsville, against all owners interested in said property, or any part thereof: *Provided*, That in no case shall private property be taken for such purposes without the written consent of the owner or owners thereof, or unless the compensation therefor shall be first fixed by agreement, or by an impartial jury of not less than six freeholders of the city of Hopkinsville, empaneled for that purpose, by the order of the Hopkinsville city court, and the compensation so fixed shall be paid to the owner or owners thereof out of the treasury of the city; and should the final decision allow more for the property and damages than was originally offered, all costs shall be paid by the city of Hopkinsville; if no more be allowed, the owner who refused such offer shall pay such costs as the court may apportion and adjudge; but no costs shall be allowed against infants or others incompetent to contract.

§ 2. That subsection forty-five of section thirteen, of article three, be, and the same is hereby, amended, so that it shall read as follows, to-wit: To revoke or suspend, either indefinitely or for a limited period of time, any license which said board may grant to a tavern-keeper, coffee-house keeper, or saloon-keeper, whenever said board shall be satisfied that such tavern-keeper, coffee-house keeper, or saloon-keeper has permitted any unlawful gaming in his or their house, or has permitted any disorderly [or] indecent conduct, or acts to be practiced or carried on, or has sold or given to any infant or minor intoxicating drinks therein in which such business is carried on and conducted, or has permitted any person or persons to tiddle or drink to intoxication therein, or has violated any of the ordinances of the city, or laws of the Commonwealth of Kentucky, regulating or relating to such business, or any of the provisions or conditions contained in such license: *Provided*, That no license shall be so suspended or revoked until the said tavern-keeper, coffee-house keeper, or saloon-keeper shall have had at least five days' previous notice in writing of the intention of said board to revoke or suspend such license, and has been permitted to show cause, if any he can, before said board, why his, her, or their license should not be revoked or suspended; and if any person or persons, whose license shall have thus been revoked or suspended by said board, shall afterwards sell by retail any spirituous or vinous liquors, or the mixture of either, he shall be deemed guilty of keeping a tiddling-house: *And provided further*, That in any proceeding to revoke or suspend any such license, a conviction by the judgment of any court having jurisdiction of any of the acts or offenses mentioned above, shall be taken as conclusive evidence that the party against whom the pro-

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1871. ceedings are had is guilty of the commission of such act or offense.

§ 3. That subsection forty-nine of section thirteen, of article three, be, and is hereby, amended by striking from said subsection, immediately after the word "assessor," the word "or," and by inserting in lieu of said word the word "and."

§ 4. That section five of article four be amended by adding to said section the following words, to-wit: Should the judge of the city court be absent at any time, or should he, for any cause, fail to preside in said court, it shall be the duty of the chairman of the board of councilmen to preside in said court as the judge *pro tempore* thereof, and for this purpose only he is vested with judicial powers: *Provided*, That he shall not act as judge *pro tempore* of said court, or preside in said court, until he shall have taken the several oaths which the judge of the city court is required by law to take, a certificate of which shall be entered upon the order-book of said court, and shall be signed by the officer administering the same.

§ 5. That section one of article five be amended so that the same shall read as follows, to-wit: The judicial power of the corporation shall be vested in, and exercised by, a court, to be styled the Hopkinsville city court, which shall be held by a single judge, to be styled the judge of the Hopkinsville city court, which court shall have a marshal, to be styled the marshal of the city of Hopkinsville, whose qualifications shall be those of a sheriff; and said judge and marshal shall be elected by the qualified voters of the city at the time and places prescribed by law for holding State elections, and for the period prescribed by the forty-first section of article four of the Constitution of the State.

§ 6. That section two of article five be amended so that the same shall read as follows, to-wit: No person shall be eligible to the office of judge of the city court who is not at the time of his election a white male citizen of the United States, and of the State of Kentucky, at least twenty-four years of age, and who shall not have been a licensed practicing lawyer for two years next preceding his election, and who shall not have resided as a *bona fide* resident in the limits of the city for two years next preceding his election.

§ 7. That section three of article five be amended so that the same shall read as follows, to-wit: The Hopkinsville city court shall have exclusive original jurisdiction of all prosecutions and penal actions for violations of the ordinances of the said city, and concurrent jurisdiction with the Christian circuit court, justice's courts, and other courts in Christian county, of all prosecutions for misdemeanors,

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and penal actions for violations of the penal laws of the Commonwealth of Kentucky, committed within the limits of the said city, where the fine or penalty is limited to one hundred dollars; and all fines imposed or forfeitures incurred for violations of such ordinances and penal laws, within the limits of the said city, recovered in said city court, are, beyond the fees and costs, hereby granted to the said city; and said court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court, to appear and answer the same, that the circuit courts have, and like power to take the same as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same, where the amount of such forfeiture shall not exceed one hundred dollars, and shall have the power and jurisdiction of two justices of the peace as an examining court; for all services performed by him under the laws of this Commonwealth or the ordinances of the city, he shall receive the same fees as are allowed by law to the judge of the Christian quarterly court for like services, and such other fees and allowances as may be allowed by ordinance.

§ 8. That section six of article five be so amended, that the same shall read as follows, to-wit: The city court shall be held at such place, within the city, as the board of councilmen may designate; or, should the said board fail to provide and designate a suitable place for holding said court, then it shall be held at such place as the judge may select; and the judge of said court may, at his discretion, by orders entered on the order-book of said court, fix stated terms for the sessions of said court, not exceeding one such term per month, to which penal and civil process shall be returnable: *Provided, however,* That it is not the intention of any part of this article to give, and it shall not give, the city judge the right to hold courts oftener than quarterly for the trial of civil causes.

§ 9. That section sixteen of article five be amended so that the same shall read as follows, to-wit: The judge of the city court shall have similar jurisdiction in civil matters, as is now or may be vested in justices of the peace of this Commonwealth; and shall have power to grant attachments and injunctions in all cases in which the presiding judge of the Christian county court is, or may be, allowed to grant them. The city court shall have jurisdiction of all actions or motions against sheriffs, constables, marshals, and other officers, and their sureties, or their personal representatives, jointly or severally, to whom executions or other final process of the said court may or shall be directed, for a failure to return the same.

1871. or to collect, account for, or pay over the money or property thereon, as required by law; and may, in such actions or motions, render judgment against such defaulting officer and his sureties, or their personal representatives, jointly or severally, for the amount due or collected on such execution or other final process, and the damages and costs imposed by law for such default. The city court shall also have jurisdiction in the cases provided for in subsection ten of section thirteen of article three of the act to which this is an amendment, as amended herein; upon application made to the judge of said court in behalf of the city of Hopkinsville, in writing, describing the property sought to be condemned, and setting forth the purposes for which it is sought to be condemned, and the parties interested therein, it shall be the duty of the said judge forthwith to issue notice or summons against the parties interested to appear in said court, on some day to be fixed in the notice or summons, to show cause why the property should not be condemned for the purposes specified in the written application; and for the purposes of such proceedings, the said court shall always be open, but by consent of parties, or by order of the court, such cases may be set for trial at any stated term of said court, and may be continued from time to time as the ends of justice may require: *Provided*, That such proceedings shall not stand for trial until the notice or summons has been served in the county of Christian upon the parties interested for at least ten days; and elsewhere in the State for at least twenty days; but if the parties interested, or any of them, are non-residents of the State, the proceedings shall stand for trial as against such non-residents, when the notice or summons has been published by four successive weekly insertions in some newspaper in the city of Hopkinsville, to be designated by the court, upon affidavit of such non-residence being filed; and proof of such publication may be made by the affidavit of the publishers of such newspaper, or any of them. Upon the inquest being made, the court shall make its judgment of condemnation; unless, for objections made and cause shown, within ten days after such inquest, the court shall rule or order otherwise.

§ 10. That section fourteen of article six be amended, so that the same shall read as follows, to-wit: The marshal shall enter upon the duties of his office on the first Monday in January next succeeding his election; and if he fails to execute covenant, with good security, and to take the oaths of office required by law, for thirty days after he required by law to enter upon the duties of his office, he thereby forfeit his office, and the board of councilmen enter up an order stating such failure, and the fact

of such forfeiture. The board of councilmen may, at any time, require the marshal to give other or additional sureties, and may, on the motion of any of his sureties, rule him to give counter-security; ten days' notice, specifying the grounds, must be given to the marshal, before a final order shall be made in any such case; and if the marshal shall not comply with such requirement, the board of councilmen may enter up an order vacating his office. When the marshal forfeits his office, or when, from any cause, a vacancy in the office of marshal occurs, the office shall be temporarily filled by the board of councilmen until the next succeeding August election, and until the successor then chosen shall qualify, which shall be within thirty days after the election: *Provided*, If such vacancy shall occur after the regular election of a marshal, and before the first Monday in January succeeding, the board shall have the power and authority to fill such vacancy by appointment, and such appointee shall fill the office during the remainder of the term.

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§ 11. That section one of article nine of said act be, and the same is hereby, repealed, and in lieu thereof, the following is inserted and enacted: That if the inhabitants of said city shall, through their corporate authorities, by law provide for the poor of said city, and keep the streets and alleys thereof in order, said inhabitants shall not be deemed tithables or required to pay the county levy of Christian county.

§ 12. That so much of section 2, article 3, title "Legislative Department," of the act to which this is an amendment, as requires persons to possess a property qualification of \$1,000 in order to be eligible as a councilman of said city, be, and the same is hereby, repealed.

§ 13. This act shall take effect from its passage.

[This bill became a law 6th March, 1871, the Governor having failed to sign or return as required by the Constitution.]

CHAPTER 1947.

AN ACT to incorporate the Public Library of Kentucky.

WHEREAS, A library containing the best books, pamphlets, periodicals, and papers of all ages and all countries, free to the use and enjoyment of the public, is a blessing to be sought in every community; and whereas, many good citizens are anxious to contribute by gift, loan, subscription, or otherwise, to the establishment and maintenance of such a library in the city of Louisville, provided the Legislature will grant such a charter to the enterprise as will inaugurate and place it upon a permanent and self-sustaining basis; therefore,

1871. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Thos. E. Bramlette, Henry M. Waterson, Mike W. Closkey, Benjamin Cassiday, George P. Doern, Walter N. Haldeman, H. M. McCarty, J. S. Cain, and R. T. Durrett, their successors and assigns, be, and they are hereby, created a corporation by the name of the "Public Library of Kentucky;" and by said corporate name are hereby given all the rights, privileges, and powers of bodies-corporate for the uses and purposes herein set forth.

§ 2. The said corporation may acquire and hold, by gift, purchase, loan, or otherwise, books, pamphlets, periodicals, and papers, to be used as a public library; and may acquire and hold, in fee simple or otherwise, the necessary grounds and buildings in which to keep and preserve and use its library; and may make such rules, regulations and by-laws, for the acquisition, safe-keeping, use, and enjoyment of its library, as may be deemed necessary: *Provided*, They are not in conflict with this act.

§ 3. The library, property, and affairs of said corporation, shall be under the control and management of nine trustees, six of whom shall be chosen by the stockholders, two appointed by the Governor of Kentucky, and one by the mayor of Louisville, once in every two years. The nine persons named in this act shall be the trustees for the two years next succeeding the passage of this act, and until their successors are chosen. A vacancy in the board of trustees caused by resignation, death, or otherwise, shall be filled by the other trustees, or a majority of them, in such manner as they may determine. Five trustees shall constitute a majority of the board, and a quorum for the transaction of business. The biennial choosing of six trustees by the stockholders shall be upon notice published in one or more of the papers published in Louisville, for at least ten days next preceding the meeting of the stockholders for that purpose. The meeting of the stockholders to choose trustees shall be in the building in which the library is kept, and at such meeting the six trustees, selected by a majority of the stockholders present, shall serve for the ensuing two years, and until their successors are chosen.

§ 4. The trustees shall elect a president, vice president, and secretary from their own number; but may select a treasurer, librarian, and such assistant librarians as may be deemed necessary, outside of their own number. The treasurer, librarian, and assistant librarians shall hold ~~the~~ at the will of the trustees; and may be required to such security as may be deemed necessary for the

faithful performance of their duty. The librarian and assistant librarians shall receive such pay for their services as may be fixed by the trustees; but the trustees themselves, as such, shall receive no compensation for their own services. The treasurer shall be an incorporated bank in the city of Louisville, where all the moneys of the corporation hereby created shall be kept; and from which no money shall be withdrawn except upon the order of the librarian, countersigned by the secretary, and indorsed by the president. Nothing shall be paid the bank for the keeping of the money and account of the corporation as its treasurer.

1871.

§ 5. The public library of Kentucky shall be located in the city of Louisville. Its capital stock shall be one hundred thousand dollars, divided into shares of ten dollars each. The stock shall be evidenced by such stock-books, certificates of issue, and transfers, as the trustees may determine by the by-laws. When one hundred shares are subscribed for, the trustees, or a majority of them, may organize and begin operations. Either of the persons named in this act may receive subscriptions of stock until the corporation is organized under this charter; and after organization, the trustees, or a majority of them, may make such arrangements as they may deem fit for additional subscriptions.

§ 6. Should said corporation at any time receive by gift, grant, bequest, or otherwise, any considerable amount of money or property for which its trustees are not required to issue stock, the trustees shall invest the same in permanent stocks or improved real estate, in the city of Louisville, from which an annual income may be drawn for the enlargement, support, and expense of the library; and should it, at any time, be deemed necessary and advisable to encumber this corporation with a debt, to be liquidated in the future, for the purpose of securing books, pamphlets, periodicals, and papers, and especially for the securing in fee simple of suitable grounds and buildings in which to keep the library of said corporation, the trustees, or a majority of them, are hereby authorized and empowered to issue and sell, or dispose of the coupon bonds of the corporation to an amount not exceeding one half of its capital stock, and to fall due in not less than twenty years; said bonds, if so issued, shall be of the denomination of one thousand dollars each; shall bear interest at the rate of six per cent. per annum, payable semi-annually at the office of the treasurer, and shall be secured by a mortgage upon the property of the corporation. No such bonds shall be issued, however, until the payment of the semi-annual interest is duly provided for by voluntary subscriptions or otherwise. The trustees are also hereby empowered to

1871. purchase, upon credit, suitable grounds and buildings in which to keep the library of the corporation, with a reserved lien to the seller upon the property conveyed, or they may execute a mortgage upon the same for the purchase money, after taking a conveyance in fee simple of the same.

§ 7. To obtain books, periodicals, pamphlets, papers, and such property as said corporation may hold, and to keep up the library and meet the current expenses of the same, the trustees, or a majority of them, are hereby authorized and empowered to issue stock for books, pamphlets, periodicals, and papers, to be used in the library, the same as if such stock were first sold and the proceeds thereof invested in such things; also to accept presents, donations, and gifts of books, pamphlets, periodicals, papers, and property, without issuing stock therefor; also to accept loans of books, pamphlets, periodicals, papers, and property, to be used in the library for the care of them; also to publish a paper or periodical journal for the benefit of the library, and appropriate the profits arising therefrom to the library; also to give, not to exceed five in number, public literary, musical, or dramatic entertainments, at which they may distribute, by lot, to patrons of the entertainments, a portion of the proceeds arising from the sale of tickets of admission; but no person is ever to be made to pay for the use and enjoyment of the books, pamphlets, periodicals, or papers of the corporation, and the library of the same is to be forever free to the gratuitous use and enjoyment of every citizen of the State of Kentucky, and of all good citizens of every State in the Union, who shall conform to the rules and regulations that may, from time to time, be made and adopted by the trustees for the care, preservation, and safety of the books and property of the corporation. The library, moreover, is to be kept open to the use and enjoyment of the public every day in the year, and during such hours at night as may be deemed proper for general use and enjoyment.

§ 8. The trustees, or a majority of them, are hereby authorized to appoint and employ such agents, assistants, and additional trustees, as they may deem necessary to collect books, pamphlets, periodicals, and papers, to secure subscriptions and donations, and to give and conduct literary, musical, and dramatic entertainments for the benefit of the library; but in such appointments and employments they are not to involve the corporation in debt, nor incur for it any liabilities beyond its ready means of meeting them.

9. Should the corporation hereby created, at any time to keep a library for public use, as contemplated by act, then the books, pamphlets, periodicals, and papers

which may have been given or loaned to the library, shall be restored to those who gave or loaned them; and the books, pamphlets, periodicals, papers, and property which may have been acquired otherwise than by gift or loan, shall be equitably divided or sold, and the proceeds thereof equitably and equally divided among the stockholders according to the shares of stock held by each one.

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§ 10. This act shall take effect from its passage.

[This bill became a law March 16th, 1871, the Governor having failed to sign or return as required by the Constitution.]

CHAPTER 1949.

AN ACT to incorporate the Town of Sanders, in Gallatin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Sanders, in the county of Gallatin, is hereby incorporated; the boundaries of said town shall be as follows: Beginning at a stone in the line of Mrs. Harris; thence north 50 degrees east 100 poles, to a stone on east side of the New Liberty and Ghent Turnpike; thence south $52\frac{1}{2}$ degrees east 32 poles, crossing the railroad, to a stone in the mouth of the lane leading to Maj. Risler's; thence with the same south 55 degrees east 78 poles, to a stone on the bank of Eagle creek; thence with the meanderings of said creek south 50 degrees west 54 poles, south 41 degrees west $37\frac{1}{10}$ poles, south 7 degrees west 20 poles, south $59\frac{1}{2}$ degrees west $40\frac{1}{2}$ poles, to Mrs. Harris's line; thence with the same north $31\frac{1}{2}$ degrees west 119 poles to the beginning. The jurisdiction of the police judge shall extend one mile beyond the limits of said town.

§ 2. That there shall be five trustees in said town, who shall, before they enter upon the discharge of the duties of said office, take an oath before the county court judge, or some justice of the peace, that they will faithfully and impartially discharge the duties of the office aforesaid; that said trustees and their successors shall be a body-politic and corporate, and shall be known by the name and style of the "Board of Trustees of the town of Sanders;" and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of this Commonwealth.

§ 3. That there shall be a police judge and town marshal for said town; and that all persons living in said town, or who own real estate therein subject to taxation, who

1871. have a right to vote for members of the General Assembly, shall have a right to vote for trustees, police judge, and town marshal of said town; that said police judge and marshal shall be elected once in every four years, at the same time and place of voting for trustees; and in case of vacancy of any of said offices, either by death, resignation, removal, or other cause, the said voters shall fill such vacancy by another election; ten days' notice to be given of all elections held under this act, in writing, to be posted up in two of the most public places in said town. The first election of all the officers aforesaid shall take place on the first Saturday in May, 1871, and thereafter for trustees on the first Saturday in March of every year.

§ 4. That before the police judge enters upon the discharge of the duties of his office, he shall receive a commission from the Governor of Kentucky, which shall be given upon the trustees certifying to the Governor that he has been legally elected to fill said office. Said police judge shall, before he enters upon the duties of his office, take such oath as may be required by the Constitution and laws of this State of county judges. The said police judge shall have jurisdiction of all cases, criminal as well as civil and penal, which may occur within the limits of said town, as justices of the peace have. He shall have exclusive jurisdiction of all offenses arising under the by-laws of said town; to issue warrants, interrupt judgments, and issue executions accordingly. The cases arising under the violation of any of the by-laws shall be tried as soon as practicable. It shall be the duty of said police judge to keep a fair and just record of his proceedings, certified copies of which shall be evidence in other courts, and have the same weight and effect as certified copies of the records of justices of the peace may have. He shall have the power to issue summonses for witnesses, and process to compel their attendance; and fine persons for contempt in a sum not exceeding five dollars. He shall have power to order a jury to be summoned in like cases with justices of the peace. He shall receive for his services the same fees as justices of the peace may be allowed; and shall in the same manner be responsible for illegal fee bills made out and collected.

§ 5. The said trustees shall have power to make and receive all necessary conveyances in relation to the lots of said town. They shall have power over the streets, alleys, and sidewalks of said town; may direct the improvements of the same in such manner as they may deem most beneficial to the interest of said town. They shall have power to make all by laws for the regulation and good government of said town, not inconsistent with the Constitution

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and laws of this Commonwealth. They shall have power to levy and collect a tax upon the property and citizens of said town, not exceeding twenty-five cents on the one hundred dollars' worth of property, and two dollars and — cents on each tithe. They shall have power to tax shows and exhibitions for money such sums as they, in their by-laws, may fix; they shall have power to suppress all tippling-houses in one mile thereof, and may fine all those who may violate their by-laws in relation thereto, any sum not exceeding twenty-five dollars for each offense, to be recovered before the police judge of said town. They shall have power to provide for the security of said town against fire, by organizing one or more fire companies, defining their duties, and punishing, by adequate fines and other penalties, those who fail to perform the duties required of them. They shall have power to regulate the market, and appoint a master and such other officers as may be deemed necessary for that purpose. That it shall be the duty of said trustees to appoint a treasurer, clerk, and such other officers as they may deem necessary, and take from them respectively, bond and security, payable to the Commonwealth of Kentucky, in such penalty as the trustees may direct, conditioned for the discharge of their respective duties; and for a violation on the part of any of said officers, motions may be made or suits brought before any tribunal having jurisdiction thereof, in the same manner and under the same rules and regulations that motions are made or suits brought against sheriffs, constables, and other officers, for the failure of duty. And, moreover, the said trustees, or a majority of them, shall have power and authority to remove either of them for failing to do their duty, and appoint others in their place.

§ 6. That it shall be the duty of said treasurer and clerk to keep a record of the proceedings which properly belong to the respective offices, and it shall be the duty of said treasurer to render an account to said trustees of all moneys received and paid out by him, whenever by them requested so to do.

§ 7. That it shall be the duty of said trustees to appoint one of their number chairman of the board, and that no money shall be drawn from the treasurer, except by order of the said chairman, in pursuance of allowance made by said board.

§ 8. That upon all judgments rendered by said police judge, either party shall have the right to appeal in the same manner that appeals are taken from judgments of justices of the peace in similar cases.

§ 9. The marshal shall serve all process and precept to him directed from said police judge, and make due returns thereof, collect all taxes assessed in said town, executions,

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any of the duties of constable, he shall take the oath of
office, and execute a bond similar to that required by law
of constables, before the county court of his county.

§ 11. All fines and forfeitures, in cases cognizable and
tried before said police judge, shall be collected and paid
to the treasurer of said board for the use and benefit of
said town, any laws to the contrary notwithstanding.

§ 12. This act shall take effect from its passage.

[This bill became a law 22d March, 1871, the Governor having failed
to sign or return as required by the Constitution.]

CHAPTER 1950.

AN ACT for the better organization of Public Schools in the City of Lex-
ington.

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky :*

§ 1. That the mayor and councilmen of the city of Lex-
ington shall, within two months after the passage of this
act, appoint five persons, to be known and styled as the
"Board of School Trustees of the City of Lexington."
Said persons so appointed shall hold the office of school
trustees until the 31st day of December, 1871, and until
their successors are duly appointed and qualified as here-
inafter provided.

§ 2. Said mayor and councilmen shall, in each month of
November hereafter, appoint a board of five persons to

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§ 5. No trustee of public s
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shall be liable to a penalty of not less tha
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erable by suit of the mayor and councilmen of
Lexington, instituted on the bond of said offend
Fayette circuit court. Any and all fines, penaltie
forfeitures recovered under this act, or by any proceed
upon the bonds herein referred to, shall be paid into t
school fund of the city of Lexington.

§ 6. No trustee of public schools of the city of Lexing-
ton shall receive any salary or compensation for his ser-
vices as such.

§ 7. It shall be the duty of the city treasurer and city
clerk of the city of Lexington to keep separate and dis-
tinct accounts of all funds now or hereafter dedicated
to the uses of public schools, and to preserve the same
sacred from all other uses or applications; and for failure
so to do, they, or either of them, may be sued on their
official bond by the board of trustees of public schools of
the city of Lexington; and any recovery had in any such
suit shall inure to the benefit of the school fund of said
city.

§ 8. The board of trustees of public schools of the city
of Lexington shall have exclusive control of all the school
funds of said city, from whatever source the same may be
derived, including the pro rata of said city from the State
common school fund. They shall have the right to re-

1871. ceive all fines, forfeitures, and taxes that now inure to the benefit of common schools in said city. They shall have power to expend all moneys in the interest of public school education in said city. They may elect a president of their board, and a secretary; and the check of the president, or president *pro tem.*, attested by the secretary, or secretary *pro tem.*, shall be honored by the city treasurer to the amount of school funds in his hands. Said trustees shall report quarterly to the mayor and councilmen. Said trustees shall have exclusive control of the appointment of teachers, regulation of school discipline, course of study, examinations, and other matters of regulation and appointment in the public schools of said city. They may appoint examiners, and prescribe qualifications for teachers and pupils not inconsistent with the laws of this Commonwealth.

§ 9. The board of school trustees may purchase, build, or rent any grounds, building, or buildings necessary or convenient for public school purposes, and may make contracts to that end; and any property so leased, purchased, or otherwise acquired, may be reserved by terms of deed or lease to the public schools of the city of Lexington; and if so reserved, shall not be liable for any debt of said city, nor be diverted from public school purposes; and any and all public school property shall be exempt from taxation.

§ 10. The trustees aforesaid shall make an annual detailed report to the mayor and councilmen of the finances, number of instructors and pupils, cost of tuition, and condition of the public schools, which report shall be published by the mayor and councilmen for the public information.

§ 11. The board of trustees of public schools of the city of Lexington may sell, lease, or exchange any public school property now held: *Provided*, That the proceeds of such sale, lease, or exchange be invested in property reserved to the uses of public schools of said city.

§ 12. This act shall take effect from its passage.

[This bill became a law 23d March, 1871, the Governor having failed to sign or return as required by the Constitution.]

CHAPTER 1951.

AN ACT to authorize the Fayette County Court to appropriate Money.

WHEREAS, An election was held in the county of Fayette on the first Monday in August, 1870, for county judge, attorney, clerk, sheriff, jailer, assessor, and coroner, and suits were instituted in the District Court of the United States against the persons elected to said offices by the

1871.

defeated candidates to recover said offices, under the provisions of the act of Congress approved May 31st, 1870, entitled "An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes;" and said suits were instituted after all of said officers, except sheriff, had been duly qualified, and had entered upon the discharge of their duties; and whereas, said officers were compelled to employ attorneys to defend said suits at considerable expense, and one of said suits, viz: the suit of D. G. Falconer against J. R. Morton, county attorney of said county, is still pending in said court, the others having been dismissed by the plaintiffs; and whereas, the citizens and county court of said county are desirous of testing the constitutionality of said act of Congress—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of said county, a majority of the justices of said county concurring therein, to employ an attorney to defend said suit for and in behalf of said county attorney, and to carry the cause to the Supreme Court of the United States if necessary, and to make to said attorney so employed such an allowance as, in their judgment, shall be reasonable; and further, that the said county court may make to said public officers, as to whom said suits have been dismissed, such an allowance as will defray the expenses of such contest, and enable said persons to pay their counsel a reasonable fee, to be paid out of any funds belonging to said county not otherwise appropriated.

§ 2. That it shall not be lawful for the county judge of the said county to vote upon the question of making any of the allowances herein provided for.

§ 3. That it shall be the duty of the presiding judge of Fayette county to call the justices of Fayette county together; at the April county court, 1871, for the purpose of considering and acting upon the appropriation mentioned in the first section of this act.

§ 4. This act shall take effect and be in force from and after its passage.

[This bill became a law March 23, 1871, the Governor having failed to sign or return as required by the Constitution.]

1871. within one mile of the corporate limits thereof, except cases of felony.

§ 4. Said police court shall have original and concurrent jurisdiction of all cases of riots, routs, unlawful assemblies, assaults, batteries, affrays, or other breaches of the peace committed within the limits of said town, or within one mile of the corporate limits thereof. It shall also have original and concurrent jurisdiction over all cases of larceny of goods, chattels, or other things of less value than four dollars, committed within the limits of said town, and of all cases of vagrancy therein, or within one mile of the corporate limits thereof.

§ 5. There shall be a quarterly term of said court on the third Mondays in April, July, October, and January in each year, and held as many days as the business of the court may require; but said court may be held at any time for the trial of criminal cases and breaches of town ordinances; and the provisions of the Criminal Code, except where inconsistent with this act, shall apply in all such cases; and said court shall have the same civil jurisdiction in all cases as is conferred on justices of the peace.

§ 6. Said judge shall be his own clerk; but it shall be lawful for him to appoint a clerk to act as his deputy, who shall possess the same qualifications, and take the same oaths, before entering on the duties of his office, that are required for clerks of the county courts.

§ 7. Whenever, from any cause, the judge of said court fails to attend the court, or, if in attendance, cannot properly preside in any cause or causes pending in said court, the presiding judge of the Meade county court, or any justice of the peace for Meade county, may preside in his place; and the person so presiding shall, during the period he acts, have all the powers, and be liable to all the responsibilities, of the police judge, and shall receive all fees accruing during said period.

§ 8. Appeals from judgments of said police court shall lie in all civil cases, unless otherwise provided for, to the Meade quarterly court, to which shall also lie all appeals from its judgments for breaches of the ordinances of said town, where the penalty or forfeiture set forth in the ordinances exceeds ten dollars, and does not exceed fifty dollars. In all other cases (except for breach of ordinance, where the fine does not exceed ten dollars) an appeal shall lie to Meade circuit court, and said appeals and proceeding thereon shall be governed by the general laws regulating appeals from the inferior courts to the circuit court.

§ 9. The fines and forfeitures recovered in said police court in the name of, or in favor of, the Commonwealth of Kentucky, in cases arising in said town, or within one mile

of the corporate limits thereof, or in the name of the town of Concordia, are hereby granted to said town.

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§ 10. It shall be the duty of the county attorney for Meade county to prosecute all pleas of the Commonwealth in said court, or prosecutions in the name of the town of Concordia; and he shall receive the same fees in such cases, and the same per centage of the fines, penalties, and forfeitures imposed in the same, as are given by law to county attorneys, or to attorneys for the Commonwealth for similar services.

§ 11. Said court shall be a court of record, and all copies of papers or records on file with the judge shall, when duly attested by him, be received as evidence in all cases wherein the originals would be evidence; but nothing herein shall prevent any court from having the original record produced and brought to court by the proper process.

§ 12. The fees of said judge, whether acting as judge or clerk, shall be the same in all cases as are now or may hereafter be given by law to officers performing like services; and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdiction.

§ 13. The marshal of said town shall hereafter be elected by the qualified voters residing therein, and shall hold his office for the term of two years, and until his successor shall be elected and qualified; and shall enter on the discharge of his duties within twenty days after his election, in default of which, the board of trustees shall declare the office vacant, and appoint a suitable person to fill the vacancy. Before entering on the discharge of his duties, he shall execute a bond before said board of trustees, with one or more sureties, to be approved by said board, in substance as follows: We, ———, marshal of the town of Concordia, and ———, his sureties, jointly and severally bind ourselves to the Commonwealth of Kentucky, that the said ———, as marshal of the town of Concordia, shall well and truly execute, and due return make, of all process and precepts to him directed and to him delivered, and all notices and orders of justices or other tribunals given him to execute, and will pay and satisfy all sums of money by him received upon any process or precept, or any note, account, fee bill, taxes of the town of Concordia, fines, or other claims placed in his hands for collection, to the person entitled thereto; and in all other things shall faithfully discharge all the duties of said office during his continuance therein; he shall also take the oath prescribed by the Constitution and laws of this State to be taken by constables, before entering on the discharge of his duties.

1871. term of said court, commencing not less than (10) days after service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner or by an attorney appointed to defend for him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless for good cause shown time is given for preparation.

§ 42. If no exceptions are filed, the report shall be confirmed. The jury and commissioners shall, in estimating the damages to any proprietor of land or material sought to be condemned for said road, be governed by the same rule as prescribed in section thirteen of an act incorporating the Elizabethtown and Paducah Railroad Company, approved March 5, 1867; and the mode of valuation provided for herein shall have the same effect, and confer upon the company all the rights and privileges which would be conferred if the proceeding had been had in accordance with the provision of the original charter of said Elizabethtown and Paducah Railroad Company; and whenever a verdict shall be had, the court may give judgment condemning such land or material for the use of said company, and against the company for the amount of damages assessed, and also to the owner for his cost, if the verdict shall be for more than was assessed by the commissioners.

§ 43. The mayor and council, or general council of any city, and the board of directors of any railroad company, may, on behalf of their city or company, guarantee the payment of the principal and interest of the bonds of the said Kentucky and Southern Railroad Company; and any railroad company or other corporation may subscribe to the capital stock of the said Kentucky and Southern Railroad Company.

§ 44. That the construction of this road shall be commenced within two years, and be completed within five years, from the passage of this act.

§ 45. All acts and parts of acts inconsistent with the rights and privileges conferred by this act, are hereby repealed.

§ 46. This act shall take effect from its passage.

Approved March 23, 1871.

CHAPTER 1940.

1871.

AN ACT to amend an act, entitled "An act to incorporate the Louisville, Memphis, and New Orleans Railway Company," approved February 24th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Louisville, Memphis, and New Orleans Railway Company," approved February 24th, 1870, be, and the same is hereby, amended as follows: That in order to continue the succession of the directors of said company, elected on the 15th day of September, 1870, the president and directors of the said Louisville, Memphis, and New Orleans Railway Company shall call a meeting of the subscribers to the capital stock of said company, at the office of said company in the city of Louisville, on the first Tuesday in May, 1871, and such subscribers as have paid five dollars upon each share of stock subscribed for by him shall proceed to elect a board of directors, to consist of not less than nine nor more than fifteen stockholders, as the board of directors may, by order or resolution, prescribe.

§ 2. Annual elections for directors shall be held on the first Tuesday in May of each year thereafter, at such place as the president and directors may, by order or resolution, direct; notice of the time and place shall be published in some newspaper published in the city of Louisville for at least ten days preceding such elections; and the president and directors of said company shall have power and authority to appoint the judges of all such elections; and every stockholder who has paid up all calls and installments due upon any shares of the capital stock of said company subscribed by him or her, as the case may be, and each holder of stock certificates, after the capital stock shall have been paid up, shall be entitled to one vote for each share of stock so subscribed or held, and may cast the same in person or by proxy.

§ 3. That the president and directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment.

§ 4. That the president and directors of the said Louisville, Memphis, and New Orleans Railway Company are hereby invested with all the powers, rights, franchises, and authority requisite, necessary, and desirable to construct a railway, with double or single track, and line of telegraph, from such point in the city of Louisville as they may select; thence through such counties in this Commonwealth as they may choose to any point or points on the boundary line of the States of Kentucky and Tennessee that they

1871. which shall be sufficient service of notice to all parties concerned; and if such election is not contested, or should be decided in favor of the subscription, the fact shall, at the second succeeding term of the county court, or regular meeting of the board of trustees of the town, or city council, be entered upon the order-book of the county court by the judge thereof, or by the president of the board of trustees, or the mayor of such city; and such entry shall be the subscription, and constitute the obligation of such county, town, or city.

§ 13. That if any county, city, or town shall subscribe to the capital stock of said Kentucky and Southern Railroad Company under the provision of this act, it shall be the duty of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue the bonds of such county, city, or town in denomination of not less than one hundred nor more than one thousand dollars, in payment thereof, with coupons attached, under the seal of said county, city, or town; the bonds of the counties to be signed by the county judge and countersigned by the clerk, and the coupons to be signed by the clerk alone; the bonds of cities subscribing shall be signed by the mayor and countersigned by the city clerk or auditor, and the coupons shall be signed by the city clerk or auditor alone; the bonds of towns subscribing shall be signed by the president of the board of trustees and countersigned by the town clerk, and the coupons shall be signed by the clerk alone. Such bonds shall be negotiable and payable to the Kentucky and Southern Railroad Company, at not more than [thirty] (30) years from their date, and shall bear interest at a rate not greater than [eight] (8) per cent., payable semi-annually.

§ 14. That in case any county, city, or town shall subscribe to the capital stock of said Kentucky and Southern Railroad Company under the provisions of this act, and issue bonds for the payment of such subscription, it shall be the duty of the county court of such county, the city council of such city, and the trustees of such town, to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued, and the cost of collecting such tax, and paying the interest on all the real estate and personal property in said county, city, or town, subject to taxation under the revenue laws of the State, including the amounts owned by residents of such county, city, or town, which ought to be given in under the equalization laws.

§ 15. That on levying a tax, as provided for in this act, to pay the interest on bonds issued by the county court of any county, or of any city or town, it shall be the duty of

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the county court, city council, or town trustees making such tax, to appoint three (3) resident tax-payers of such county, city, or town, who shall be styled the Board of Commissioners of the Sinking Fund of such county, city, or town. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn in the presence of the court, council, or trustees appointing them, faithfully to discharge their duties according to the best of their skill and judgment; they shall hold their office at the pleasure of the court, council, or trustees by whom they are appointed. They shall immediately appoint one of their number treasurer, who shall execute bond, payable to the Commonwealth, with such security as shall be approved by the court, council, or trustees appointing the commissioners, conditioned for the faithful keeping and disbursing of all money coming to his hands as treasurer of such board, on which bond suit may be brought, from time to time, by and in the name of such county, city, or town, or by any other person injured by any breach of his bond in any court having jurisdiction of the sum claimed in such suit. Such treasurer may be required, at any time, to give new bond, and any surety in such bond shall be entitled to the same remedies for procuring additional or counter security as are now given to the sureties of guardians, administrators, &c. Said treasurer shall be allowed for his services such compensation, not exceeding one per cent. on the money received and paid out by him, as may be allowed by the court, council, or trustees appointing such commissioners respectively. In case a vacancy shall occur in said board of commissioners, such vacancy shall be filled by the court, council, or trustees by whom such board was appointed.

§ 16. The taxes levied under the authority of this act in any county shall be collected by the sheriff of such county; and taxes levied in any city or town shall be collected by the officer of such city or town, who is by law the collector of taxes levied for the ordinary purposes of such city or town; but before any sheriff or other officer shall be authorized to collect any such tax, he shall execute bond, if a sheriff, with such sureties as may be approved by the county court, and if a city or town officer, with such sureties as may be approved by the council or trustees of such city or town, conditioned that such officer will promptly and faithfully collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act, which may be placed in his hands for collection.

§ 17. That sheriffs and other officers having in their hands for collection taxes levied under this act, shall have all the powers of distraining and selling personal property,

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which sheriffs have in the collection of the State revenue; and when such officer shall be unable to find personal property liable to sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situated in the county, and sell the same under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on the real estate of the person taxed, which shall lie in the county in which such tax is levied; but the owner of any real estate sold may redeem the same at any time within five (5) years after such sale by paying the purchase money and ten (10) per cent. per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and ten (10) per cent. per annum thereon.

§ 18. That sheriffs or other officers selling real estate for taxes levied under this act shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, and state the amount for which it was sold, and the date of sale, which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall record the same in a book to be kept for the purpose, and for which such clerk shall be entitled to charge a fee of fifty (50) cents; and if such certificate is not recorded as herein provided, the land may be redeemed at any time within fifteen (15) years on paying the purchase money and six (6) per cent. per annum thereon; that sheriffs and other officers collecting taxes levied under this act shall receive the same compensation as is allowed by law for the time being for collecting the State revenue.

§ 19. If any sheriff or other officer, whose duty it is to collect taxes under this act, shall fail or refuse to execute bond as required by this act for thirty (30) days after the tax is levied, the court, city council, or board of trustees levying such tax may appoint a collector, who shall execute bond with sureties, and have all the powers, and be subject to all the duties and liabilities of sheriffs and other officers in collecting taxes under this act; that if any sheriff or collector, or other officer having in his hands for collection taxes levied under this act, shall fail to collect and pay over the same within the time prescribed, such sheriff, collector, or other officer shall, with his sureties, be liable for the amount not paid as required, and ten (10) per cent. thereon, to be recovered on motion, on ten days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

§ 20. It shall be the duty of the commissioners of the sinking fund to see that the sheriff or other officer collects

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and pays over taxes placed in their hands according to law, and to institute legal proceeding against them on their failure to do so; they shall appropriate such moneys, when collected, to the payment of the interest on the bonds of their county, city, or town.

§ 21. They shall, whenever a dividend is declared by said Kentucky and Southern Railroad Company, cause their treasurer to receive the same, and pay the interest on their bonds out of it; and when a surplus shall remain after paying the interest due, they shall apply such surplus to the purchase of their bonds, if they can be purchased at par or less than par; and if they cannot be purchased at par, they shall invest such surplus in some safe and profitable manner, and in such way that the money may be readily realized when needed to buy or pay off bonds.

§ 22. That all dividends which shall be received upon the stock held and owned by any county, city, or town under this act, shall be, and are hereby, set apart to be held sacred as a sinking fund, to be only used, as provided in this act, for the payment of the principal and interest of the bonds issued under the authority of this act.

§ 23. That in case the dividends upon the stock held and owned under this act by any county, city, or town, and for which bonds shall have been issued, shall not be sufficient to enable such county, city, or town to pay its bonds at maturity, it shall be the duty of the commissioners of the sinking fund to report such fact to the county court, city council, or town trustees at least five (5) years before the maturity of said bonds; and if any county court, city council, or the trustees of any town, owing such bonds, shall deem it proper to do so, they may issue new bonds, having not more than twenty years to run, payable at such place as may be designated on the face of such bonds, bearing the same interest, and secured in all respects as the bonds first issued are secured, and sell such bonds, or exchange them for the old ones: *Provided, however*, That if any county court, city council, or town trustees shall deem it inexpedient to issue and sell such new bonds, or shall be unable to raise money necessary to pay off its bonds at maturity by a sale of new bonds, it shall be the duty of such county court, city council, or town trustees to cause a tax to be levied and collected on all the property in such county, city, or town, which, by the provisions of this act, is subject to taxation, to pay interest sufficient, when added to any sum raised by sale of new bonds, to discharge the old bonds at maturity: *Provided also*, That any tax levied under the provisions of this section shall be collected by the same officers, under the same powers, and subject to the same responsibilities, in every respect, as provided in the act in relation to the collection of taxes levied to pay interest.

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§ 24. That all claims or judgments of persons for damages for injuries to persons or property, or for materials furnished for the construction or repair of said road or its branches, or for labor done on same, shall have a lien on the rolling stock and personal property of said company superior and prior to any mortgage or other lien authorized by this act.

§ 25. That it shall be the duty of the treasurers of the several boards of commissioners of the sinking fund appointed under this act, upon the surrender to them at their respective offices of receipts given for taxes paid to defray the interest on the bonds of their respective counties, cities, and towns, prior to the time of declaring the first cash dividend by said railroad company, to the amount of fifty dollars or more, to issue to the holders thereof certificates, setting forth the number of shares of stock to which the holder is entitled, and to give a separate receipt for any fractional part of a share, which receipt shall be negotiable by indorsement, and may be added to other like receipts or tax receipts to make up a full share. The treasurer shall write or stamp the word canceled across the face of each tax receipt taken up by him, and file it away in his office; and he may charge and collect fifty cents per share for each certificate issued by him. He shall keep a list of the names of those to whom he issues certificates, with the number of the certificate, and the number of shares for which each was given, and shall, on the last day of each month, make out and forward to the secretary of the company a copy of the list of certificates issued during that month.

§ 26. That it shall be the duty of the said Kentucky and Southern Railroad Company, after the first cash dividend shall be declared, on presentation at its office of the stock certificates issued under the provisions of the last preceding section, to issue stock therefor to those to whom such certificates were issued, or their representatives or assigns.

§ 27. That the commissioners of the sinking fund shall keep an exact record of all their actings and doings as such; and their treasurer shall keep a strict account of all moneys received or paid out by him, and shall settle his accounts annually, or oftener if required, which settlement shall state fully his accounts since his last settlement.

§ 28. That all the real estate lying in any county, city, or town issuing bonds under this act shall be taxed for the purpose of defraying the interest on such bonds, and for the payment of the principal, if that shall be paid by taxation; and when a part only of the land of any tax-payer shall lie in such county, city, or town, the assessor of tax shall designate in his books what part lies within such county,

city, or town, and its value; and only such part shall be assessed for the purposes of this act.

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§ 29. That the commissioners of the sinking fund, or one of them, shall cast the vote to which their respective counties, cities, and towns may be entitled in any meeting of the stockholders of said Kentucky and Southern Railroad Company: *Provided*, That if neither of them attend, then any person duly authorized by any two of said commissioners may cast the vote as proxy for said commissioners.

§ 30. That the president and directors of said Kentucky and Southern Railroad Company may, if it shall seem advisable to them, increase the capital stock of said company to a sum equal to the total cost of the road and its equipments, depots, water-stations, &c.

§ 31. That said company may acquire a right of way sixty-six (66) feet wide; but this shall not be construed as a limitation on the right to acquire any width that may be shown to be necessary by the affidavit of an engineer filed with the justice at the time of suing out the warrant for condemning such lands.

§ 32. That the said Kentucky and Southern Railroad Company shall be exempt from taxation until completed; and that it shall never be taxed at a valuation beyond the rate at which said roads are now taxed, nor exceeding its actual value.

§ 33. That the president and directors of said company may, with the assent of the holders of a majority in value of the stock of said company, purchase and hold any other railroad in this or in any other State; and may subscribe stock in, or guarantee the bonds of, or aid in the building of any other road in or out of this State, whenever, in their judgment, it may be to the interest of the said Kentucky and Southern Railroad Company to do so; they may sell the said railroad, or lease the same; and may build branches from said road, and branches from such branches.

§ 34. That said Kentucky and Southern Railroad Company may receive donations of land to be used for any of the purposes of said road, or to be sold to raise money to build the same; and may receive subscriptions to be paid in land at a valuation to be fixed by such means as may be agreed upon between said company, or its authorized agents and the subscribers; and may lease or sell and convey any land so given or subscribed.

§ 35. That said Kentucky and Southern Railroad Company may, the holders of a majority in value of all the stock therein concurring, agree on terms for consolidating said company with any other railroad company, on such terms as may be agreed upon; but no such consolidation

1871. term of said court, commencing not less than (10) days after service of the summons. If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner or by an attorney appointed to defend for him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless for good cause shown time is given for preparation.

§ 42. If no exceptions are filed, the report shall be confirmed. The jury and commissioners shall, in estimating the damages to any proprietor of land or material sought to be condemned for said road, be governed by the same rule as prescribed in section thirteen of an act incorporating the Elizabethtown and Paducah Railroad Company, approved March 5, 1867; and the mode of valuation provided for herein shall have the same effect, and confer upon the company all the rights and privileges which would be conferred if the proceeding had been had in accordance with the provision of the original charter of said Elizabethtown and Paducah Railroad Company; and whenever a verdict shall be had, the court may give judgment condemning such land or material for the use of said company, and against the company for the amount of damages assessed, and also to the owner for his cost, if the verdict shall be for more than was assessed by the commissioners.

§ 43. The mayor and council, or general council of any city, and the board of directors of any railroad company, may, on behalf of their city or company, guarantee the payment of the principal and interest of the bonds of the said Kentucky and Southern Railroad Company; and any railroad company or other corporation may subscribe to the capital stock of the said Kentucky and Southern Railroad Company.

§ 44. That the construction of this road shall be commenced within two years, and be completed within five years, from the passage of this act.

§ 45. All acts and parts of acts inconsistent with the rights and privileges conferred by this act, are hereby repealed.

§ 46. This act shall take effect from its passage.

Approved March 23, 1871.

CHAPTER 1940.

1871.

AN ACT to amend an act, entitled "An act to incorporate the Louisville, Memphis, and New Orleans Railway Company," approved February 24th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Louisville, Memphis, and New Orleans Railway Company," approved February 24th, 1870, be, and the same is hereby, amended as follows: That in order to continue the succession of the directors of said company, elected on the 15th day of September, 1870, the president and directors of the said Louisville, Memphis, and New Orleans Railway Company shall call a meeting of the subscribers to the capital stock of said company, at the office of said company in the city of Louisville, on the first Tuesday in May, 1871, and such subscribers as have paid five dollars upon each share of stock subscribed for by him shall proceed to elect a board of directors, to consist of not less than nine nor more than fifteen stockholders, as the board of directors may, by order or resolution, prescribe.

§ 2. Annual elections for directors shall be held on the first Tuesday in May of each year thereafter, at such place as the president and directors may, by order or resolution, direct; notice of the time and place shall be published in some newspaper published in the city of Louisville for at least ten days preceding such elections; and the president and directors of said company shall have power and authority to appoint the judges of all such elections; and every stockholder who has paid up all calls and installments due upon any shares of the capital stock of said company subscribed by him or her, as the case may be, and each holder of stock certificates, after the capital stock shall have been paid up, shall be entitled to one vote for each share of stock so subscribed or held, and may cast the same in person or by proxy.

§ 3. That the president and directors of said company, before he or they act as such, shall swear or affirm, as the case may be, that they will well and truly discharge the duties of their respective offices to the best of their skill and judgment.

§ 4. That the president and directors of the said Louisville, Memphis, and New Orleans Railway Company are hereby invested with all the powers, rights, franchises, and authority requisite, necessary, and desirable to construct a railway, with double or single track, and line of telegraph, from such point in the city of Louisville as they may select; thence through such counties in this Commonwealth as they may choose to any point or points on the boundary line of the States of Kentucky and Tennessee that they

1871. may select; and that they may cause to be made contracts with others for making said road or any part of it; and that they, their agents, engineers, &c, or those with whom they may contract for surveying or making the same, or any part thereof, may enter upon, use, and excavate any land which may be wanted for the site of said road, or the erection of warehouses or other structures, or works necessary and convenient to said road, or for its use, or for any other purpose necessary or useful in the construction or repair of said road, or its works and appurtenances; and they may build bridges and construct tunnels; they are also hereby fully authorized and empowered to construct such branch railroads to their main trunk road in or through such counties in this Commonwealth as they may deem proper; and to that end all the powers conferred by this act, and the act to which this is an amendment, for constructing the main trunk road, are also hereby extended to, and conferred upon, said company, for the purpose of constructing branch roads.

§ 5. That the presiding judges of the county courts of the respective counties, into or through which it is proposed to construct said Louisville, Memphis, and New Orleans Railway, or any of its branches or extensions, be, and they are hereby, authorized and directed, upon the written application of said railway company, to make an order submitting to the qualified voters of their respective counties the question whether the county judge shall subscribe for a given number of shares of the capital stock of said railway company for and on behalf of the county; said elections shall be held upon a day to be named in the order submitting the question, not earlier than twenty (20) days nor later than forty (40) days from the date of the presenting of the application to the presiding judges of the respective county courts; said judges shall also appoint all officers necessary to hold said elections. It shall be the duty of the sheriffs of the respective counties to give notice to the officers appointed to hold said elections in the same manner as is now provided by law in regard to other elections; and in case any of the officers appointed shall fail to attend or refuse to act, others may be appointed in the same manner as at general elections; that the person acting as sheriff at the several precincts shall return to the clerk of the county court, within three (3) days after the date of such election, the poll-books of their respective precincts; and on the next day thereafter the county judge and county clerk shall count the vote; and if it shall appear that the majority of those voting voted in favor of the subscription of stock as proposed, the county judge shall order the vote to be entered on the record, and he shall make the

subscription on behalf of the county on the terms specified in the order submitting the question to a vote.

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§ 6. That the presiding judges of the county courts of the respective counties into or through which it is proposed to construct said Louisville, Memphis, and New Orleans Railway, or any of its branches or extensions, be, and they are hereby, authorized and directed, upon the written application of said railway company, to make an order submitting to the qualified voters of any designated election precinct or precincts the question whether the county judge shall subscribe for a given number of shares of the capital stock of said railway company for and on behalf of said designated precinct or precincts. Said election shall be held upon a day to be named in the order submitting the question, not earlier than twenty (20) days, or later than forty (40) days, from the date of the presenting of the application to the presiding judge of the county court; said judges shall also appoint all officers necessary to hold said elections; and the poll-books shall be returned, and the vote shall be counted and entered on the record of the county court, in the same manner prescribed in the preceding section of this act; and if a majority of those voting in such designated precinct, or a majority of the aggregate votes cast in such designated precinct or precincts shall be in favor of making such subscription, the judge of the county court shall forthwith make the subscription on behalf of the precinct or precincts to which the question was submitted, and in accordance with the terms upon which it was submitted.

§ 7. That sections sixteen (16), seventeen (17), eighteen (18), and nineteen (19) of the act to which this is an amendment, and an act of the General Assembly of the Commonwealth of Kentucky, entitled "An act to amend the charter of the Louisville, Memphis, and New Orleans Railway Company," approved March 21st, 1870, be, and the same are hereby, repealed.

§ 8. That if any county, city, or town shall subscribe to the capital stock of said Louisville, Memphis, and New Orleans Railway Company, under the provisions of this act, and the act to which it is an amendment, it shall be the duty of the judge and clerk of the county court of such county, the mayor and council of such city, and the board of trustees of such town, to issue the bonds of such county, city, or town, in denominations of not less than one hundred nor more than one thousand dollars, in payment thereof, with coupons attached, under the seal of such county, city, or town; the bonds of the counties to be signed by the county judge and countersigned by the clerk, the coupons to be signed by the clerk alone; the bonds of cities subscribing shall be signed by the mayor and coun-

1871. tersigned by the city clerk or auditor, and the coupons shall be signed by the clerk or auditor alone; the bonds of towns subscribing shall be signed by the president of the board of trustees and countersigned by the town clerk, and the coupons shall be signed by the clerk alone. Such bonds shall be negotiable and payable to bearer at not more than thirty (30) years from their date, and shall bear interest at a rate not greater than eight (8) per cent., payable semi-annually.

§ 9. That if any election district or districts in any county shall subscribe to the stock of said company under the provisions of this act, or the act to which it is an amendment, it shall be the duty of the judge and clerk of the county court of such county to issue the bonds of such district or districts in payment thereof, in every respect as if such subscription had been made by the county, except that the bonds shall show on their face the district or districts for which they are issued, and such districts shall be alone bound to pay said bonds and their interest: *Provided, however,* That nothing in this act, or the act to which this is an amendment, shall authorize the counties of Caldwell, Lyon, Trigg, Calloway, or Livingston, or any district or town in said counties, to subscribe stock to aid in the construction of the Louisville, Memphis, and New Orleans Railroad.

§ 10. This act shall take effect from and after its passage.

Approved March 23, 1871.

CHAPTER 1941.

AN ACT for the benefit of John Solomon Smith, of the County of Shelby.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Solomon Smith, of the county of Shelby, be, and is hereby, relieved from all the disabilities of minority, and hereafter said John Solomon Smith shall be capable in law of contracting and being contracted with as if he were twenty-one years of age.

§ 2. This act shall be in force from and after its passage.

Approved March 23, 1871.

CHAPTER 1942.

1871.

AN ACT for the benefit of Wm. T. Langridge, a minor under the age of twenty-one years.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for Wm. T. Langridge, of Graves county, to receive a license to practice law as an attorney and counselor at law in the various courts of law and equity in this State, if he shall first obtain the certificate of character now required by law, and undergo and pass satisfactorily the examination now provided by law for persons applying for license to practice law; and he shall enjoy all the privileges, and be liable to all responsibilities, suits, and legal proceedings as other attorneys, his minority to the contrary notwithstanding.

§ 2. This act shall be in force from its passage.

Approved March 23, 1871.

CHAPTER 1943.

AN ACT to amend and reduce into one the several acts in relation to the Town of Slaughterville, in Webster County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of the town of Slaughterville be as follows: Beginning at a planted stone in the east fork of Deer creek, running south 76, west 9½ poles to point A in the original survey, made by W. H. Buntin, 28th December, 1865; thence continuing the same course 184½ poles to a stake; thence south 14 east 69½ poles to a stake; thence in a straight line to the trestle bridge on the Evansville, Henderson, and Nashville Railroad to a point 30 poles south of the present depot; thence with the meanders of said creek to the beginning corner, and the same is hereby declared the boundary of said town; but provided that all laws and by-laws for peace and good government of said town shall extend one half mile beyond the corporate limits.

§ 2. That the fiscal, prudential, and municipal concerns of said town, with the government thereof, shall be vested in a board of trustees, five in number, to be annually elected on the first Monday in April of each year, by the qualified voters of said town: *Provided, however,* That no person shall be eligible to said office of trustee who has not resided in said town one year next before his election, and who shall not be at the time a qualified voter for State Representative: *And provided further,* That a ma-

1871. jority of said board shall form a quorum for the transaction of business, and the trustees elected shall continue in office until their successors are elected and qualified: *And provided further*, That in case of a vacancy being created by death or otherwise, the remaining members of said board shall have power to fill such vacancies by appointment.

§ 3. That the said trustees and their successors shall be a body-politic and corporate, and shall be known by the name and style of the Board of Trustees of the town of Slaughterville; and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all the courts and places; and may use a seal, and do all other acts, matters, and things which a body-politic and corporate having perpetual succession can lawfully and rightfully do and perform.

§ 4. Said trustees shall take an oath before the police judge, or some other officer qualified to administer the same, that they will faithfully, and without favor or affection to any one, discharge the duties that may devolve upon them as trustees during their continuance in office, as well as the general oath provided in the Constitution. It shall be their duty to appoint one of their own body chairman, who shall preside at all their meetings; and in the case of absence of the chairman, they shall appoint a chairman *pro tem.*, and in case of his death, removal from town, or vacation of his seat as trustee, may appoint another in his stead.

§ 5. All male citizens of said town over twenty-one years of age, and entitled to vote for State Representatives, shall be entitled to vote in the election of trustees and other officers hereinafter named.

§ 6. At the same time and in the same manner as herein provided for the election of trustees, an election shall also be held for the office of police judge and town marshal. The police judge shall be known by the style of "The Police Judge of Slaughterville;" he shall have the same qualifications as the trustees are herein required to have, and he shall have within the boundaries of said town, and one half mile beyond, as established by this act, all the civil and criminal jurisdiction which, by existing laws, are conferred upon justices of the peace; and in addition thereto, shall have all jurisdiction in felonies and misdemeanors which, by the Code of Practice in criminal cases, is especially conferred upon police judges as such; he shall be a conservator of the peace, and have jurisdiction over affrays, assaults or batteries, riots, breaches of the peace, unlawful assemblies, all

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cases of indecent or immoral behavior, or conduct calculated to disturb the peace and dignity of said town; over all cases of drunkenness, Sabbath breaking, running horses, firing guns or pistols, making reports by burning powder or fire-works, blowing horns, hallooing aloud, by day or night, and other riotous and disorderly conduct whatever within said town; all of which are hereby declared to be misdemeanors; and all fines imposed by him for any of the above named misdemeanors shall, when collected, be paid into the treasury of the town; he shall have power to impose fines in cases of misdemeanor to the amount of thirty dollars; but in all cases the accused shall be entitled to a trial by jury; he shall have jurisdiction of all offenses or causes arising out of the by-laws and ordinances passed by the board of trustees for the enforcement of the power granted them by law; he shall have power to issue subpoenas for witnesses in cases pending before him, and upon their failure to attend, may award compulsory process to compel their attendance; he shall have power to fine and imprison for contempts: *Provided*, The fine does not exceed ten dollars, nor the imprisonment four hours.

§ 7. That upon all judgments rendered by the said police judge, either party shall have the right of appeal from said judgments in the same manner that appeals are taken from judgments of justices of the peace.

§ 8. That the fees allowed said police judge shall be the same as are by law allowed justices of the peace for similar services.

§ 9. The marshal shall see that the ordinances of the said town are carried into execution; and shall collect and pay over all fines imposed by the police judge for misdemeanors, as provided in the sixth section of this act; and shall serve all process and precepts to him directed by said police judge, and make due return thereof; collect all taxes assessed in said town, executions, and other demands placed in his hands to collect, and account for and pay over such sums to the person entitled thereto under the same rules and regulations required by law of sheriffs in the collection of taxes, and of constables in the collection of executions and other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against sheriffs or constables in similar cases. Said marshal shall be entitled to the same fees for collecting the town tax as sheriffs for collecting the county levy; and in all other cases the same fees constables are allowed for like services; and to give a bond in the county court not to exceed one thousand dollars for the faithful discharge of his

1871. duties, and such other qualifications as are required of constables.

§ 10. The trustees shall have power to appoint a clerk, who shall keep, in a fair and legible hand, and in a book provided for that purpose, a full record of all the proceedings of the board of trustees. Said clerk may be removed at the pleasure of a majority of the board elected; and shall receive such compensation as may be deemed proper by such board of trustees.

§ 11. All vacancies that may occur after an election in either the offices of trustee, police judge, or marshal, may be filled by a majority of the board in office; and the person thus appointed shall remain in office until the succeeding annual election, and until his successor is qualified.

§ 12. All elections for office under this act shall be conducted by the clerk of the board, whose duty it shall be to give one week's written notice of such election, posted at three public places in said town. He shall, after such election, give to each officer a certificate of his election, who shall thereupon take the oaths prescribed by this act and the oaths prescribed by law.

§ 13. The board of trustees shall meet at least once every month at such time and place as they may designate, and oftener if emergency require it; and any member failing to attend a meeting shall be liable to a fine not exceeding two dollars for each offense, to be recovered before the police judge of said town in the name of the chairman of the board of trustees.

§ 14. Said trustees, for the use, benefit, and ornament of said town, shall have power to acquire real, personal, and mixed estates, either by purchase, donation, or otherwise; and shall have power to sell and convey the same, the majority of the board consenting thereto: *Provided*, That the votes for and against a proposition of a sale shall be specially entered upon the records kept by the clerk.

§ 15. That the legal title to all the streets and alleys in said town, and to all the real, personal, or mixed estate which now or may hereafter belong to said town, shall be, and is hereby, vested in the said board of trustees and their successors in office; and they shall have full power and authority to maintain and carry into judgment and execution any action or actions of trespass for any injury done to the same, and may in like manner maintain and carry into judgment and execution any other appropriate action or actions for the recovery of their property or damages for the detention, taking, injury, or destruction of the same, and that the same process may issue, and execution be awarded, as are applicable by law to suits by private individuals: *Provided*, That in all such cases, when the damages are laid at a sum not exceeding fifty dollars, the

police judge, or any justice of the peace, shall have concurrent jurisdiction, subject to an appeal as in other cases.

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§ 16. That the trustees shall have power to clear the streets, alleys, sidewalks, and passways of said town of all obstructions, to erect and sink cisterns, wells, and pumps, and direct drainage for said town; they shall have full power to remove and abate any nuisance or nuisances in said town, and to regulate the storage or removal of any combustible or unwholesome material; they shall also have power to cause any chimneys, flues, stove-pipes, or fire-places, that, in their opinion, threaten the security of property, to be changed and repaired, so as to remove the cause of danger; they shall also have the power to cause the owner or owners or occupiers of property fronting on streets or alleys to keep the said streets or alleys in front of them free from filth, and in all cases enumerated in this section, when the persons who should do so fail or refuse to obey and perform the directions given in relation thereto by said trustees the trustees may have their orders executed at their own expense, and the cost and charges thus incurred shall be paid by those who shall not have complied with the directions of the board, and may be recovered in the name of the board of trustees by a warrant before the police judge, if the sum claimed be fifty dollars or under, and if over that sum, by suit in Webster circuit court or court of common pleas.

§ 17. That whenever a majority of the qualified voters in said town shall require a street to be paved or macadamized, the trustees shall have the power to cause the same to be done.

§ 18. That the board of trustees of said town may, from time to time, direct and require the owners of lots and parts of lots in said town, when the same fronts upon a street or alley, to cause the same to be paved with sidewalks in front of their respective lots or of fractions of lots of such width and of such material, and in such manner and such elevation, as the said board may deem expedient; and if the owner or owners of such lot or lots, or fractions of lots, shall fail to have such sidewalk repaved or paved within the time and in the manner prescribed by said board, then said board may have their orders executed at their own expense, and the costs and charges thus incurred shall be paid by the person or persons who shall have failed to comply with the directions of the board, and may be recovered in the name of the board of trustees by warrant before the police judge, if the sum is fifty dollars and under, and if over that sum, by suit in the Webster circuit court or court of common pleas; and the board of trustees shall have a lien upon the property of such person or per-

1871. sons for the amount of cost and charges thus incurred by them : *Provided*, That they shall not require the improvement of any lot exceeding the amount of fifty per cent. of the full value of said lot or part of lot.

§ 19. That said trustees may tax every hotel or saloon-keeper, or other person who may receive license from the county court to sell spirituous or vinous liquors, or the mixture thereof, in less quantities than a quart, within the said town, or one half mile from its limits, as established by this act, a sum not more than fifty dollars per annum, by requiring such persons to apply to the clerk of said town and pay the amount required, and get license in the name of said board of trustees, to be paid into the treasury of the town; and they may suspend or suppress the license of such person so to sell, whenever in their judgment it shall be deemed expedient so to do; and said trustees may also close the bars or drinking-saloons of such persons upon Sundays, and such holidays as they may deem it proper and expedient so to do, a majority of said board concurring therein; said board of trustees may also tax druggists, merchants, and others selling liquors in quantities of more than a quart within said town, a sum not exceeding twenty-five dollars per year, to be paid to the clerk, and be granting them license as in case of hotel and saloon-keepers; they shall also have power to require all merchants, grocers, tobacco-nists, and all other persons doing business in said town, to pay to the clerk a license not to exceed twenty dollars per year, to be paid into the treasury of said town.

§ 20. The trustees shall have power, whenever the public convenience or safety may require it, to prohibit hogs, cattle, horses, dogs, and other descriptions of animals, from running at large in the streets, lanes, alleys, commons, and other public places in said town, and to require and compel the abatement and removal of all nuisances within the limits of said town, under such regulations as shall be prescribed by ordinances.

§ 21. They shall also have power to require a special license for the sale of playing cards, and require any business house keeping the same to pay a sum not to exceed ten dollars per year for such license to the clerk of said town, to be paid into the treasury as required by hotel and saloon-keepers.

§ 22. The trustees shall have power to build a station-house in which to confine drunken and disorderly persons, and such as refuse or fail to pay the fines assessed by the police judge for misdemeanors, and shall appoint a keeper for the same, and require him to keep such persons safely.

§ 23. The trustees shall have power, and it shall be their duty, to appoint annually an assessor, who, after being

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sworn faithfully to perform the duties of his office, shall call upon the taxable persons within the limits of the said town, and make out a true list of their taxable property, with the value thereof, and this shall be made upon the oath of the tax-payer, to be administered by the assessor; and said list shall embrace all the real and personal estate in said town, all the males over twenty-one years, and personal property, including household furniture; and if any person shall refuse to give in said list, he or she shall be treble taxed on the value of their property; said value to be ascertained by the oaths of any two persons resident in said town, and said treble tax to be recovered by warrant before the police judge in the name of the board of trustees, regardless of the amount claimed; the said assessor shall return his list within one month from the date of his appointment to the clerk of the board of trustees, and may be fined for a failure so to do upon a warrant before the police judge, in the name of the board of trustees, in a sum not less than five nor more than fifty dollars; but the board may, for good cause shown, extend the time for said assessor to return his list; said assessor shall be paid for his services such sum as said trustees may order.

§ 24. The trustees shall have power to levy an ad valorem tax, not to exceed one per cent. upon the dollar for each one hundred dollars' worth of taxable property of said town, exclusive of the poll-tax; the poll-tax shall not exceed two dollars upon each tithe in said town.

§ 25. The trustees shall have power to tax all shows, theatrical performances, and exhibitions of whatsoever name or nature, in any sum not exceeding twenty dollars for each day such show, theatrical exhibition, or public performance, may exhibit in said town, or within one half mile of the limits thereof.

§ 26. The trustees shall appoint a treasurer, who shall be required to execute a bond, with sufficient security, for the discharge of his duty, said bond to be taken by the police judge, and approved by the trustees. The treasurer shall receive and receipt for all money paid into the town treasury; and keep a correct record of the fiscal concerns of the town; and shall pay out money from the treasury upon the orders of the trustees, countersigned by the clerk thereof. He shall take an oath faithfully to discharge his duties; and shall be paid for such services such amount as the trustees may deem proper.

§ 27. The marshal of said town, in the execution of the ordinances of the trustees and the judgments of the police judge, and in the collection of taxes, shall have all the powers to levy and distress now vested by law in the sheriffs of this Commonwealth. Said marshal shall be overseer of the streets and alleys; and whenever a *capias*

1871. *pro fine*, issued by the police judge, shall come to his hands, he may arrest and imprison the defendant or defendants in the station-house of said town until the said *capias* is satisfied.

§ 28. The said trustees shall exercise and possess all the powers and privileges which are by the general laws of the State vested in and granted to trustees of towns; they shall have full power and authority to make all necessary by-laws, ordinances, and regulations to carry into full effect the powers granted by this act, and such others as are not contrary to the Constitution and laws of this Commonwealth, for the purpose of securing the quiet and good order of said town, and the comfort and health of the citizens thereof.

§ 29. The record of the proceedings of the board of trustees shall be taken and received as recorded evidence in any court of this State; and a certified copy from the clerk shall be sufficient for any purposes of evidence; for which copy the clerk shall be allowed such fees as are now allowed to clerks of the circuit court.

§ 30. The marshal shall have full power to carry the ordinances and by-laws of the board of trustees into effect; and all warrants or executions issued by the police judge or a justice of the peace, for any infraction of any of the by-laws or ordinances of said board, or a violation of any of the laws of the land, shall be issued in the name of the Commonwealth, and directed to the marshal or any constable of Webster county, whose duty it shall be to execute the same, and return it before the police judge of said town. In the collection of any executions and demands that may come to his hands, the marshal shall be subject to the same rules and regulations which by law govern constables; and shall be subject to the same proceedings which may be had against constables in similar cases.

§ 31. In the collection of taxes the marshal shall be governed by the same rules and regulations which govern sheriffs in the collection of taxes; and shall be subject to the same proceedings which may be had against sheriffs in similar cases.

§ 32. The process in any civil case pending before the police judge may be directed by him to the marshal or any constable of Webster county.

§ 33. Cases arising under the by-laws of said town shall be tried by the police judge as soon as practicable. He shall hold a court for the trial of civil cases; and every three months the time of holding shall be fixed by the Webster county court: *Provided*, It shall not be in the same months in which the justices of the peace in said county hold their courts.

§ 34. All fines and forfeitures in cases cognizable before said police judge, arising under the by-laws of said town, shall be collected and paid to the treasurer of said board of trustees for the use and benefit of said town. 1871.

§ 35. Any justice of the peace for the county of Webster may issue any civil or criminal process, directed to the said marshal, whose duty it shall be to execute the same: *Provided*, That said marshal shall not be compelled to go more than one half mile from the limits of said town to execute such process.

§ 36. That all acts or sections of acts which may have heretofore been passed by this General Assembly, which may conflict with any of the provisions of this act, be, and the same is hereby, repealed.

§ 37. All citizens of said town shall be exempt from working on roads outside of the corporate limits of said town; and the marshal shall be the overseer of the streets and alleys; and shall have the same power to summons all persons of said town to work the same, under the same laws, regulations, and requirements, as surveyors of public roads in the county of Webster.

§ 38. This act to take effect from its passage.

Approved March 23, 1871.

CHAPTER 1944.

AN ACT to amend an act, entitled "An act to incorporate the Town of Concordia."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The number of trustees for the town of Concordia, in Meade county, be reduced from seven to five, a majority of whom shall constitute a quorum for the transaction of business.

§ 2. There shall be established in said town a court, to be styled the police court of Concordia, which shall be held by a judge, who shall be called the police judge of Concordia, and shall be elected by the qualified voters of said town for the same term, and have the same qualifications, as county judges. He shall, before entering upon the discharge of his duties, take the oaths prescribed by the Constitution and laws of this State; and on failure to do so for twenty days, his office shall be declared vacated by the board of trustees.

§ 3. Said court shall have original and exclusive jurisdiction in all prosecutions for the violation of the ordinances of said town, the jurisdiction of all pleas of the Commonwealth arising within the limits of said town, or

1871. within one mile of the corporate limits thereof, except cases of felony.

§ 4. Said police court shall have original and concurrent jurisdiction of all cases of riots, routs, unlawful assemblies, assaults, batteries, affrays, or other breaches of the peace committed within the limits of said town, or within one mile of the corporate limits thereof. It shall also have original and concurrent jurisdiction over all cases of larceny of goods, chattels, or other things of less value than four dollars, committed within the limits of said town, and of all cases of vagrancy therein, or within one mile of the corporate limits thereof.

§ 5. There shall be a quarterly term of said court on the third Mondays in April, July, October, and January in each year, and held as many days as the business of the court may require; but said court may be held at any time for the trial of criminal cases and breaches of town ordinances; and the provisions of the Criminal Code, except where inconsistent with this act, shall apply in all such cases; and said court shall have the same civil jurisdiction in all cases as is conferred on justices of the peace.

§ 6. Said judge shall be his own clerk; but it shall be lawful for him to appoint a clerk to act as his deputy, who shall possess the same qualifications, and take the same oaths, before entering on the duties of his office, that are required for clerks of the county courts.

§ 7. Whenever, from any cause, the judge of said court fails to attend the court, or, if in attendance, cannot properly preside in any cause or causes pending in said court, the presiding judge of the Meade county court, or any justice of the peace for Meade county, may preside in his place; and the person so presiding shall, during the period he acts, have all the powers, and be liable to all the responsibilities, of the police judge, and shall receive all fees accruing during said period.

§ 8. Appeals from judgments of said police court shall lie in all civil cases, unless otherwise provided for, to the Meade quarterly court, to which shall also lie all appeals from its judgments for breaches of the ordinances of said town, where the penalty or forfeiture set forth in the ordinances exceeds ten dollars, and does not exceed fifty dollars. In all other cases (except for breach of ordinance, where the fine does not exceed ten dollars) an appeal shall lie to Meade circuit court, and said appeals and proceeding thereon shall be governed by the general laws regulating appeals from the inferior courts to the circuit court.

§ 9. The fines and forfeitures recovered in said police court in the name of, or in favor of, the Commonwealth of Kentucky, in cases arising in said town, or within one mile

of the corporate limits thereof, or in the name of the town of Concordia, are hereby granted to said town. 1871.

§ 10. It shall be the duty of the county attorney for Meade county to prosecute all pleas of the Commonwealth in said court, or prosecutions in the name of the town of Concordia; and he shall receive the same fees in such cases, and the same per centage of the fines, penalties, and forfeitures imposed in the same, as are given by law to county attorneys, or to attorneys for the Commonwealth for similar services.

§ 11. Said court shall be a court of record, and all copies of papers or records on file with the judge shall, when duly attested by him, be received as evidence in all cases wherein the originals would be evidence; but nothing herein shall prevent any court from having the original record produced and brought to court by the proper process.

§ 12. The fees of said judge, whether acting as judge or clerk, shall be the same in all cases as are now or may hereafter be given by law to officers performing like services; and fees and costs shall be taxed in cases in said court to the same extent, in the same way, and under the same regulations, as in courts having similar jurisdiction.

§ 13. The marshal of said town shall hereafter be elected by the qualified voters residing therein, and shall hold his office for the term of two years, and until his successor shall be elected and qualified; and shall enter on the discharge of his duties within twenty days after his election, in default of which, the board of trustees shall declare the office vacant, and appoint a suitable person to fill the vacancy. Before entering on the discharge of his duties, he shall execute a bond before said board of trustees, with one or more sureties, to be approved by said board, in substance as follows: We, ———, marshal of the town of Concordia, and ———, his sureties, jointly and severally bind ourselves to the Commonwealth of Kentucky, that the said ———, as marshal of the town of Concordia, shall well and truly execute, and due return make, of all process and precepts to him directed and to him delivered, and all notices and orders of justices or other tribunals given him to execute, and will pay and satisfy all sums of money by him received upon any process or precept, or any note, account, fee bill, taxes of the town of Concordia, fines, or other claims placed in his hands for collection, to the person entitled thereto; and in all other things shall faithfully discharge all the duties of said office during his continuance therein; he shall also take the oath prescribed by the Constitution and laws of this State to be taken by constables, before entering on the discharge of his duties.

1871. § 14. Any person injured by a breach of said bond may, in any court having jurisdiction, prosecute, on motion thereon in their own name, and at their own cost, against the marshal and his sureties, in the manner now prescribed by law for proceedings against sheriffs or constables in cases of delinquency or breaches of official duty.

§ 15. The board of trustees may, at any time, notify said marshal to give additional security on his bond, which notice shall be served as notices are directed to be served under the Civil Code; and they may, upon his failure to do so within five days after service of said notice, declare his office vacant, and appoint another person to fill the vacancy.

§ 16. Said marshal shall be a peace officer, and shall possess all the power to arrest persons charged with offenses, and to execute, within Meade county, in criminal cases, all writs, process, warrants, and orders to take bail, which is now or may hereafter be given to sheriffs or other peace officers, and shall be entitled for his services to the same fees which said officers are entitled to. He shall attend all meetings of the board of trustees, and all sittings of said police court, and preserve order and act as crier at the same. He shall have power to levy and execute all process, executions, or judgments, civil or criminal, which issue out of said court; and shall have the same powers to collect claims, fee bills, etc., and to act in all civil cases, and to execute all process and executions in said county, as are now or may hereafter be given by law to constables; and he and his sureties shall be responsible for the proper execution of all process and the collection of all claims put into his hands, and for his official acts, in the same way and to the same extent that sheriffs and constables are now responsible. It shall be his duty to execute all ordinances of the board of trustees, passed in pursuance of the act to which this is an amendment, whenever acts or duties are specifically presented for him to perform; and he shall report to the police judge all infractions of the ordinances of said town, and all misdemeanors or felonies committed within said town of which he may receive information.

§ 17. The marshal shall act as collector of said town; and he and his sureties shall be responsible on his bond for the collection and payment of all taxes due said town; and he may proceed in the manner prescribed for their collection by the act to which this is an amendment.

§ 18. The marshal shall be entitled to the same fees as the sheriff and constables are respectively, whenever he performs services similar to those of sheriffs and constables.

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§ 19. An election for police judge, marshal, and trustees of said town, shall be held on the second Monday in May, 1871, and Barnaby Worland and Fielding D. Popham are appointed judges, and Paul E. Buren, clerk of said election, and John Roberts, sheriff. It shall be the duty of the sheriff appointed by this act to deposit the poll-books of said election with the clerk of the Meade county court, within three days after the election, who shall file them in his office, and issue certificates of election to the person elected.

§ 20. There shall thereafter be an election held annually on the second Monday in May, for the election of such officers for said town as are required to be elected by the qualified voters of said town. The board of trustees shall, before such election, appoint as officers thereof two persons, one as judge and the other as clerk, and the marshal of the town shall act as sheriff. If, from any cause, the appointees do not act, it shall be the duty of the marshal to appoint other persons in their stead; and if the marshal fails or refuses to act, the police judge may fill the vacancies by the appointment of competent persons. Officers of the town elections shall perform similar services, be entitled to like pay, liable to the same penalties, and governed in all matters not inconsistent with this act, and in the same way as officers of the State elections; the expenses of said elections to be paid by the town.

§ 21. In all elections for officers of said town after the first election, the person acting as sheriff of such election shall, within three days after the same, deposit the poll-books with the clerk of the Meade county court, who shall file said books in his office. Said county court clerk, the county attorney, and the person who acts as sheriff of the election, shall constitute a board for examining the poll-books and giving certificates of election. Any two of them may constitute a board, which shall meet within four days after the poll-book is filed as aforesaid, and shall compare the poll and ascertain the correctness of the summing up of the votes for the offices for which an election was held, one of which certificates shall be given to the person elected, and the other to the clerk of the board of trustees, who shall file the same with the papers of the town.

§ 22. Whenever any two or more persons shall receive the highest and an equal number of votes for the same office, such election shall be determined by lot in such manner as the board of examination may direct. The elections provided for in this act may be contested before the same board, and the same proceedings had as when elections for county officers are contested, under chapter 32 of the Revised Statutes of Kentucky.

1871. § 23. Whenever a vacancy shall occur in the office of police judge or marshal by death, resignation, or otherwise, the board of trustees shall appoint some competent person to fill the vacancy until the next annual election for officers of said town, and until his successor is duly qualified; and the said board of trustees shall issue a writ of election to fill such vacancy, which writ shall be delivered to the sheriff of Meade county, and on which he shall act as on writs issued for the election of county officers, under provisions of Revised Statutes, article 6, chapter 32.

§ 24. All resignations of the officers of said town of Concordia shall be tendered to the board of trustees in writing, and shall be noted on the records of said town.

§ 25. The board of trustees of said town shall have power to fix penalties for breaches of the town ordinances, not exceeding fifty dollars.

§ 26. All acts or parts of acts conflicting with this act are hereby repealed.

[This bill became a law 6th March, 1871, the Governor having failed to sign or return as required by the Constitution.]

CHAPTER 1945.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts concerning the Town of Hopkinsville," approved March 5th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one the several acts concerning the town of Hopkinsville," approved March 5th, 1870, be, and the same is hereby, amended as follows, to-wit: Amend subsection ten of section thirteen, article three, so that the same shall read as follows, to-wit: To open, receive, alter, abolish, widen, extend, grade, pave, gravel, or otherwise improve, clean, and keep in repair the streets, alleys, avenues, lanes, public grounds and squares in the city, and to drain the streets and public places therein, and to purchase or condemn land for drainage purposes, and for opening, widening, altering, or extending streets, alleys, avenues, and lanes, in the following manner, to-wit: The board of councilmen may, by ordinance or resolution, provide for the purchase, at a stated price, of any designated property for any of the purposes mentioned; and the chairman of the board may tender to the owners of the property, if adults, the money at said price, and make the purchase if assented to; but if the owners refuse to sell at such price, or if they, or any of them, be infants, or otherwise incompetent to contract, the land may be condemned in a proceeding for that purpose in the Hopkinsville city court, in the name of the

city of Hopkinsville, against all owners interested in said property, or any part thereof: *Provided*, That in no case shall private property be taken for such purposes without the written consent of the owner or owners thereof, or unless the compensation therefor shall be first fixed by agreement, or by an impartial jury of not less than six freeholders of the city of Hopkinsville, empaneled for that purpose, by the order of the Hopkinsville city court, and the compensation so fixed shall be paid to the owner or owners thereof out of the treasury of the city; and should the final decision allow more for the property and damages than was originally offered, all costs shall be paid by the city of Hopkinsville; if no more be allowed, the owner who refused such offer shall pay such costs as the court may apportion and adjudge; but no costs shall be allowed against infants or others incompetent to contract.

§ 2. That subsection forty-five of section thirteen, of article three, be, and the same is hereby, amended, so that it shall read as follows, to-wit: To revoke or suspend, either indefinitely or for a limited period of time, any license which said board may grant to a tavern-keeper, coffee-house keeper, or saloon-keeper, whenever said board shall be satisfied that such tavern-keeper, coffee-house keeper, or saloon-keeper has permitted any unlawful gaming in his or their house, or has permitted any disorderly [or] indecent conduct, or acts to be practiced or carried on, or has sold or given to any infant or minor intoxicating drinks therein in which such business is carried on and conducted, or has permitted any person or persons to tipple or drink to intoxication therein, or has violated any of the ordinances of the city, or laws of the Commonwealth of Kentucky, regulating or relating to such business, or any of the provisions or conditions contained in such license: *Provided*, That no license shall be so suspended or revoked until the said tavern-keeper, coffee-house keeper, or saloon-keeper shall have had at least five days' previous notice in writing of the intention of said board to revoke or suspend such license, and has been permitted to show cause, if any he can, before said board, why his, her, or their license should not be revoked or suspended; and if any person or persons, whose license shall have thus been revoked or suspended by said board, shall afterwards sell by retail any spirituous or vinous liquors, or the mixture of either, he shall be deemed guilty of keeping a tippling-house: *And provided further*, That in any proceeding to revoke or suspend any such license, a conviction by the judgment of any court having jurisdiction of any of the acts or offenses mentioned above, shall be taken as conclusive evidence that the party against whom the pro-

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1871. ceedings are had is guilty of the commission of such act or offense.

§ 3. That subsection forty-nine of section thirteen, of article three, be, and is hereby, amended by striking from said subsection, immediately after the word "assessor," the word "or," and by inserting in lieu of said word the word "and."

§ 4. That section five of article four be amended by adding to said section the following words, to-wit: Should the judge of the city court be absent at any time, or should he, for any cause, fail to preside in said court, it shall be the duty of the chairman of the board of councilmen to preside in said court as the judge *pro tempore* thereof, and for this purpose only he is vested with judicial powers: *Provided*, That he shall not act as judge *pro tempore* of said court, or preside in said court, until he shall have taken the several oaths which the judge of the city court is required by law to take, a certificate of which shall be entered upon the order-book of said court, and shall be signed by the officer administering the same.

§ 5. That section one of article five be amended so that the same shall read as follows, to-wit: The judicial power of the corporation shall be vested in, and exercised by, a court, to be styled the Hopkinsville city court, which shall be held by a single judge, to be styled the judge of the Hopkinsville city court, which court shall have a marshal, to be styled the marshal of the city of Hopkinsville, whose qualifications shall be those of a sheriff; and said judge and marshal shall be elected by the qualified voters of the city at the time and places prescribed by law for holding State elections, and for the period prescribed by the forty-first section of article four of the Constitution of the State.

§ 6. That section two of article five be amended so that the same shall read as follows, to-wit: No person shall be eligible to the office of judge of the city court who is not at the time of his election a white male citizen of the United States, and of the State of Kentucky, at least twenty-four years of age, and who shall not have been a licensed practicing lawyer for two years next preceding his election, and who shall not have resided as a *bona fide* resident in the limits of the city for two years next preceding his election.

§ 7. That section three of article five be amended so that the same shall read as follows, to-wit: The Hopkinsville city court shall have exclusive original jurisdiction of all prosecutions and penal actions for violations of the ordinances of the said city, and concurrent jurisdiction with the Christian circuit court, justices' courts, and other courts in Christian county, of all prosecutions for misdemeanors,

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and penal actions for violations of the penal laws of the Commonwealth of Kentucky, committed within the limits of the said city, where the fine or penalty is limited to one hundred dollars; and all fines imposed or forfeitures incurred for violations of such ordinances and penal laws, within the limits of the said city, recovered in said city court, are, beyond the fees and costs, hereby granted to the said city; and said court shall have power and authority to take recognizances from persons charged with offenses cognizable before said court, to appear and answer the same, that the circuit courts have, and like power to take the same as forfeited, and pronounce judgment thereon, and to enforce full compliance with the same, where the amount of such forfeiture shall not exceed one hundred dollars, and shall have the power and jurisdiction of two justices of the peace as an examining court; for all services performed by him under the laws of this Commonwealth or the ordinances of the city, he shall receive the same fees as are allowed by law to the judge of the Christian quarterly court for like services, and such other fees and allowances as may be allowed by ordinance.

§ 8. That section six of article five be so amended, that the same shall read as follows, to-wit: The city court shall be held at such place, within the city, as the board of councilmen may designate; or, should the said board fail to provide and designate a suitable place for holding said court, then it shall be held at such place as the judge may select; and the judge of said court may, at his discretion, by orders entered on the order-book of said court, fix stated terms for the sessions of said court, not exceeding one such term per month, to which penal and civil process shall be returnable: *Provided, however,* That it is not the intention of any part of this article to give, and it shall not give, the city judge the right to hold courts oftener than quarterly for the trial of civil causes.

§ 9. That section sixteen of article five be amended so that the same shall read as follows, to-wit: The judge of the city court shall have similar jurisdiction in civil matters, as is now or may be vested in justices of the peace of this Commonwealth; and shall have power to grant attachments and injunctions in all cases in which the presiding judge of the Christian county court is, or may be, allowed to grant them. The city court shall have jurisdiction of all actions or motions against sheriffs, constables, marshals, and other officers, and their sureties, or their personal representatives, jointly or severally, to whom executions or other final process of the said court may or shall be directed, for a failure to return the same.

1871. or to collect, account for, or pay over the money or property thereon, as required by law; and may, in such actions or motions, render judgment against such defaulting officer and his sureties, or their personal representatives, jointly or severally, for the amount due or collected on such execution or other final process, and the damages and costs imposed by law for such default. The city court shall also have jurisdiction in the cases provided for in subsection ten of section thirteen of article three of the act to which this is an amendment, as amended herein; upon application made to the judge of said court in behalf of the city of Hopkinsville, in writing, describing the property sought to be condemned, and setting forth the purposes for which it is sought to be condemned, and the parties interested therein, it shall be the duty of the said judge forthwith to issue notice or summons against the parties interested to appear in said court, on some day to be fixed in the notice or summons, to show cause why the property should not be condemned for the purposes specified in the written application; and for the purposes of such proceedings, the said court shall always be open, but by consent of parties, or by order of the court, such cases may be set for trial at any stated term of said court, and may be continued from time to time as the ends of justice may require: *Provided*, That such proceedings shall not stand for trial until the notice or summons has been served in the county of Christian upon the parties interested for at least ten days; and elsewhere in the State for at least twenty days; but if the parties interested, or any of them, are non-residents of the State, the proceedings shall stand for trial as against such non-residents, when the notice or summons has been published by four successive weekly insertions in some newspaper in the city of Hopkinsville, to be designated by the court, upon affidavit of such non-residence being filed; and proof of such publication may be made by the affidavit of the publishers of such newspaper, or any of them. Upon the inquest being made, the court shall make its judgment of condemnation; unless, for objections made and cause shown, within ten days after such inquest, the court shall rule or order otherwise.

§ 10. That section fourteen of article six be amended, so that the same shall read as follows, to-wit: The marshal shall enter upon the duties of his office on the first Monday in January next succeeding his election; and if he fails to execute covenant, with good security, and to take the oaths of office required by law, for thirty days after he is required by law to enter upon the duties of his office, he shall thereby forfeit his office, and the board of councilmen shall enter up an order stating such failure, and the fact

of such forfeiture. The board of councilmen may, at any time, require the marshal to give other or additional sureties, and may, on the motion of any of his sureties, rule him to give counter-security; ten days' notice, specifying the grounds, must be given to the marshal, before a final order shall be made in any such case; and if the marshal shall not comply with such requirement, the board of councilmen may enter up an order vacating his office. When the marshal forfeits his office, or when, from any cause, a vacancy in the office of marshal occurs, the office shall be temporarily filled by the board of councilmen until the next succeeding August election, and until the successor then chosen shall qualify, which shall be within thirty days after the election: *Provided*, If such vacancy shall occur after the regular election of a marshal, and before the first Monday in January succeeding, the board shall have the power and authority to fill such vacancy by appointment, and such appointee shall fill the office during the remainder of the term. 1871.

§ 11. That section one of article nine of said act be, and the same is hereby, repealed, and in lieu thereof, the following is inserted and enacted: That if the inhabitants of said city shall, through their corporate authorities, by law provide for the poor of said city, and keep the streets and alleys thereof in order, said inhabitants shall not be deemed tithables or required to pay the county levy of Christian county.

§ 12. That so much of section 2, article 3, title "Legislative Department," of the act to which this is an amendment, as requires persons to possess a property qualification of \$1,000 in order to be eligible as a councilman of said city, be, and the same is hereby, repealed.

§ 13. This act shall take effect from its passage.

[This bill became a law 6th March, 1871, the Governor having failed to sign or return as required by the Constitution.]

CHAPTER 1947.

AN ACT to incorporate the Public Library of Kentucky.

WHEREAS, A library containing the best books, pamphlets, periodicals, and papers of all ages and all countries, free to the use and enjoyment of the public, is a blessing to be sought in every community; and whereas, many good citizens are anxious to contribute by gift, loan, subscription, or otherwise, to the establishment and maintenance of such a library in the city of Louisville, provided the Legislature will grant such a charter to the enterprise as will inaugurate and place it upon a permanent and self-sustaining basis; therefore,

1871. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Thos. E. Bramlette, Henry M. Waterson, Mike W. Closkey, Benjamin Cassiday, George P. Doern, Walter N. Haldeman, H. M. McCarty, J. S. Cain, and R. T. Durrett, their successors and assigns, be, and they are hereby, created a corporation by the name of the "Public Library of Kentucky;" and by said corporate name are hereby given all the rights, privileges, and powers of bodies-corporate for the uses and purposes herein set forth.

§ 2. The said corporation may acquire and hold, by gift, purchase, loan, or otherwise, books, pamphlets, periodicals, and papers, to be used as a public library; and may acquire and hold, in fee simple or otherwise, the necessary grounds and buildings in which to keep and preserve and use its library; and may make such rules, regulations and by-laws, for the acquisition, safe-keeping, use, and enjoyment of its library, as may be deemed necessary: *Provided*, They are not in conflict with this act.

§ 3. The library, property, and affairs of said corporation, shall be under the control and management of nine trustees, six of whom shall be chosen by the stockholders, two appointed by the Governor of Kentucky, and one by the mayor of Louisville, once in every two years. The nine persons named in this act shall be the trustees for the two years next succeeding the passage of this act, and until their successors are chosen. A vacancy in the board of trustees caused by resignation, death, or otherwise, shall be filled by the other trustees, or a majority of them, in such manner as they may determine. Five trustees shall constitute a majority of the board, and a quorum for the transaction of business. The biennial choosing of six trustees by the stockholders shall be upon notice published in one or more of the papers published in Louisville, for at least ten days next preceding the meeting of the stockholders for that purpose. The meeting of the stockholders to choose trustees shall be in the building in which the library is kept, and at such meeting the six trustees, selected by a majority of the stockholders present, shall serve for the ensuing two years, and until their successors are chosen.

§ 4. The trustees shall elect a president, vice president, and secretary from their own number; but may select a treasurer, librarian, and such assistant librarians as may be deemed necessary, outside of their own number. The treasurer, librarian, and assistant librarians shall hold office at the will of the trustees; and may be required to ~~such~~ such security as may be deemed necessary for the

faithful performance of their duty. The librarian and assistant librarians shall receive such pay for their services as may be fixed by the trustees; but the trustees themselves, as such, shall receive no compensation for their own services. The treasurer shall be an incorporated bank in the city of Louisville, where all the moneys of the corporation hereby created shall be kept; and from which no money shall be withdrawn except upon the order of the librarian, countersigned by the secretary, and indorsed by the president. Nothing shall be paid the bank for the keeping of the money and account of the corporation as its treasurer.

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§ 5. The public library of Kentucky shall be located in the city of Louisville. Its capital stock shall be one hundred thousand dollars, divided into shares of ten dollars each. The stock shall be evidenced by such stock-books, certificates of issue, and transfers, as the trustees may determine by the by-laws. When one hundred shares are subscribed for, the trustees, or a majority of them, may organize and begin operations. Either of the persons named in this act may receive subscriptions of stock until the corporation is organized under this charter; and after organization, the trustees, or a majority of them, may make such arrangements as they may deem fit for additional subscriptions.

§ 6. Should said corporation at any time receive by gift, grant, bequest, or otherwise, any considerable amount of money or property for which its trustees are not required to issue stock, the trustees shall invest the same in permanent stocks or improved real estate, in the city of Louisville, from which an annual income may be drawn for the enlargement, support, and expense of the library; and should it, at any time, be deemed necessary and advisable to encumber this corporation with a debt, to be liquidated in the future, for the purpose of securing books, pamphlets, periodicals, and papers, and especially for the securing in fee simple of suitable grounds and buildings in which to keep the library of said corporation, the trustees, or a majority of them, are hereby authorized and empowered to issue and sell, or dispose of the coupon bonds of the corporation to an amount not exceeding one half of its capital stock, and to fall due in not less than twenty years; said bonds, if so issued, shall be of the denomination of one thousand dollars each; shall bear interest at the rate of six per cent. per annum, payable semi-annually at the office of the treasurer, and shall be secured by a mortgage upon the property of the corporation. No such bonds shall be issued, however, until the payment of the semi-annual interest is duly provided for by voluntary subscriptions or otherwise. The trustees are also hereby empowered to

1871. purchase, upon credit, suitable grounds and buildings in which to keep the library of the corporation, with a reserved lien to the seller upon the property conveyed, or they may execute a mortgage upon the same for the purchase money, after taking a conveyance in fee simple of the same.

§ 7. To obtain books, periodicals, pamphlets, papers, and such property as said corporation may hold, and to keep up the library and meet the current expenses of the same, the trustees, or a majority of them, are hereby authorized and empowered to issue stock for books, pamphlets, periodicals, and papers, to be used in the library, the same as if such stock were first sold and the proceeds thereof invested in such things; also to accept presents, donations, and gifts of books, pamphlets, periodicals, papers, and property, without issuing stock therefor; also to accept loans of books, pamphlets, periodicals, papers, and property, to be used in the library for the care of them; also to publish a paper or periodical journal for the benefit of the library, and appropriate the profits arising therefrom to the library; also to give, not to exceed five in number, public literary, musical, or dramatic entertainments, at which they may distribute, by lot, to patrons of the entertainments, a portion of the proceeds arising from the sale of tickets of admission; but no person is ever to be made to pay for the use and enjoyment of the books, pamphlets, periodicals, or papers of the corporation, and the library of the same is to be forever free to the gratuitous use and enjoyment of every citizen of the State of Kentucky, and of all good citizens of every State in the Union, who shall conform to the rules and regulations that may, from time to time, be made and adopted by the trustees for the care, preservation, and safety of the books and property of the corporation. The library, moreover, is to be kept open to the use and enjoyment of the public every day in the year, and during such hours at night as may be deemed proper for general use and enjoyment.

§ 8. The trustees, or a majority of them, are hereby authorized to appoint and employ such agents, assistants, and additional trustees, as they may deem necessary to collect books, pamphlets, periodicals, and papers, to secure subscriptions and donations, and to give and conduct literary, musical, and dramatic entertainments for the benefit of the library; but in such appointments and employments they are not to involve the corporation in debt, nor incur for it any liabilities beyond its ready means of meeting them.

§ 9. Should the corporation hereby created, at any time cease to keep a library for public use, as contemplated by this act, then the books, pamphlets, periodicals, and papers

which may have been given or loaned to the library, shall be restored to those who gave or loaned them; and the books, pamphlets, periodicals, papers, and property which may have been acquired otherwise than by gift or loan, shall be equitably divided or sold, and the proceeds thereof equitably and equally divided among the stockholders according to the shares of stock held by each one.

§ 10. This act shall take effect from its passage.

[This bill became a law March 16th, 1871, the Governor having failed to sign or return as required by the Constitution.]

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CHAPTER 1949.

AN ACT to incorporate the Town of Sanders, in Gallatin County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Sanders, in the county of Gallatin, is hereby incorporated; the boundaries of said town shall be as follows: Beginning at a stone in the line of Mrs. Harris; thence north 50 degrees east 100 poles, to a stone on east side of the New Liberty and Ghent Turnpike; thence south $52\frac{1}{2}$ degrees east 32 poles, crossing the railroad, to a stone in the mouth of the lane leading to Maj. Risler's; thence with the same south 55 degrees east 78 poles, to a stone on the bank of Eagle creek; thence with the meanderings of said creek south 50 degrees west 54 poles, south 41 degrees west $37\frac{1}{10}$ poles, south 7 degrees west 20 poles, south $59\frac{1}{2}$ degrees west $40\frac{1}{2}$ poles, to Mrs. Harris's line; thence with the same north $31\frac{1}{2}$ degrees west 119 poles to the beginning. The jurisdiction of the police judge shall extend one mile beyond the limits of said town.

§ 2. That there shall be five trustees in said town, who shall, before they enter upon the discharge of the duties of said office, take an oath before the county court judge, or some justice of the peace, that they will faithfully and impartially discharge the duties of the office aforesaid; that said trustees and their successors shall be a body-politic and corporate, and shall be known by the name and style of the "Board of Trustees of the town of Sanders;" and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts of this Commonwealth.

§ 3. That there shall be a police judge and town marshal for said town; and that all persons living in said town, or who own real estate therein subject to taxation, who

1871. have a right to vote for members of the General Assembly, shall have a right to vote for trustees, police judge, and town marshal of said town; that said police judge and marshal shall be elected once in every four years, at the same time and place of voting for trustees; and in case of vacancy of any of said offices, either by death, resignation, removal, or other cause, the said voters shall fill such vacancy by another election; ten days' notice to be given of all elections held under this act, in writing, to be posted up in two of the most public places in said town. The first election of all the officers aforesaid shall take place on the first Saturday in May, 1871, and thereafter for trustees on the first Saturday in March of every year.

§ 4. That before the police judge enters upon the discharge of the duties of his office, he shall receive a commission from the Governor of Kentucky, which shall be given upon the trustees certifying to the Governor that he has been legally elected to fill said office. Said police judge shall, before he enters upon the duties of his office, take such oath as may be required by the Constitution and laws of this State of county judges. The said police judge shall have jurisdiction of all cases, criminal as well as civil and penal, which may occur within the limits of said town, as justices of the peace have. He shall have exclusive jurisdiction of all offenses arising under the by-laws of said town; to issue warrants, interrupt judgments, and issue executions accordingly. The cases arising under the violation of any of the by-laws shall be tried as soon as practicable. It shall be the duty of said police judge to keep a fair and just record of his proceedings, certified copies of which shall be evidence in other courts, and have the same weight and effect as certified copies of the records of justices of the peace may have. He shall have the power to issue summonses for witnesses, and process to compel their attendance; and fine persons for contempt in a sum not exceeding five dollars. He shall have power to order a jury to be summoned in like cases with justices of the peace. He shall receive for his services the same fees as justices of the peace may be allowed; and shall in the same manner be responsible for illegal fee bills made out and collected.

§ 5. The said trustees shall have power to make and receive all necessary conveyances in relation to the lots of said town. They shall have power over the streets, alleys, and sidewalks of said town; may direct the improvements of the same in such manner as they may deem most beneficial to the interest of said town. They shall have power to make all by laws for the regulation and good government of said town, not inconsistent with the Constitution

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and laws of this Commonwealth. They shall have power to levy and collect a tax upon the property and citizens of said town, not exceeding twenty-five cents on the one hundred dollars' worth of property, and two dollars and — cents on each tithe. They shall have power to tax shows and exhibitions for money such sums as they, in their by-laws, may fix; they shall have power to suppress all tippling-houses in one mile thereof, and may fine all those who may violate their by-laws in relation thereto, any sum not exceeding twenty-five dollars for each offense, to be recovered before the police judge of said town. They shall have power to provide for the security of said town against fire, by organizing one or more fire companies, defining their duties, and punishing, by adequate fines and other penalties, those who fail to perform the duties required of them. They shall have power to regulate the market, and appoint a master and such other officers as may be deemed necessary for that purpose. That it shall be the duty of said trustees to appoint a treasurer, clerk, and such other officers as they may deem necessary, and take from them respectively, bond and security, payable to the Commonwealth of Kentucky, in such penalty as the trustees may direct, conditioned for the discharge of their respective duties; and for a violation on the part of any of said officers, motions may be made or suits brought before any tribunal having jurisdiction thereof, in the same manner and under the same rules and regulations that motions are made or suits brought against sheriffs, constables, and other officers, for the failure of duty. And, moreover, the said trustees, or a majority of them, shall have power and authority to remove either of them for failing to do their duty, and appoint others in their place.

§ 6. That it shall be the duty of said treasurer and clerk to keep a record of the proceedings which properly belong to the respective offices, and it shall be the duty of said treasurer to render an account to said trustees of all moneys received and paid out by him, whenever by them requested so to do.

§ 7. That it shall be the duty of said trustees to appoint one of their number chairman of the board, and that no money shall be drawn from the treasurer, except by order of the said chairman, in pursuance of allowance made by said board.

§ 8. That upon all judgments rendered by said police judge, either party shall have the right to appeal in the same manner that appeals are taken from judgments of justices of the peace in similar cases.

§ 9. The marshal shall serve all process and precept to him directed from said police judge, and make due returns thereof, collect all taxes assessed in said town, executions,

1871. and other demands which may be put in his hands to collect and account for, and pay over the same under the same rules and regulations required by the law of sheriffs in the collection of taxes, and of constables in the collection of executions or other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against sheriffs and constables in similar cases. The said marshal shall be entitled to the same fees for collecting the town tax that sheriffs are entitled to for collecting the county levy, and in all other cases the same fees that are allowed to constables for similar services: *Provided, however,* That said police judge shall have power to direct his process to any constable of Gallatin county, and said marshal shall have and possess the same powers given to constables in all cases cognizable before said police judge

§ 10. That the marshal of said town, before he enters upon the discharge of his duties as marshal, shall execute before the board of trustees for said town a bond, payable to the Commonwealth of Kentucky, with good security, conditioned that he will faithfully and impartially discharge the duties of said office. And before he performs any of the duties of constable, he shall take the oath of office, and execute a bond similar to that required by law of constables, before the county court of his county.

§ 11. All fines and forfeitures, in cases cognizable and tried before said police judge, shall be collected and paid to the treasurer of said board for the use and benefit of said town, any laws to the contrary notwithstanding.

§ 12. This act shall take effect from its passage.

[This bill became a law 22d March, 1871, the Governor having failed to sign or return as required by the Constitution.]

CHAPTER 1950.

AN ACT for the better organization of Public Schools in the City of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the mayor and councilmen of the city of Lexington shall, within two months after the passage of this act, appoint five persons, to be known and styled as the "Board of School Trustees of the City of Lexington." Said persons so appointed shall hold the office of school trustees until the 31st day of December, 1871, and until their successors are duly appointed and qualified as hereinafter provided.

§ 2. Said mayor and councilmen shall, in each month of November hereafter, appoint a board of five persons to

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fill the offices of trustees of public schools for the year commencing on the first January next thereafter, and until their successors are appointed and qualified.

§ 3. No person holding any office, position, or employment in the city government of the city of Lexington shall be eligible to the position of a trustee of public schools of said city.

§ 4. The trustees appointed as contemplated by this act shall each execute a bond to and with the mayor and councilmen, with good and solvent security, to be approved by the mayor and councilmen, conditioned for a faithful performance of the duties of their office, and for a faithful application of all funds that may come into their hands; and shall, before entering upon the duties of their office, take an oath before some justice of the peace or notary public that they will, in all respects, faithfully perform the duties of such office; said oath shall be filed with the city clerk of Lexington, Kentucky.

§ 5. No trustee of public schools of the city of Lexington shall be or become interested, directly or indirectly, in any contract, agreement, or trade, touching the building of school-houses, repairing of school property, furnishing supplies or other things connected with the management of public schools in said city; and any trustee so offending shall be liable to a penalty of not less than two hundred and fifty dollars nor more than one thousand dollars, recoverable by suit of the mayor and councilmen of the city of Lexington, instituted on the bond of said offender in the Fayette circuit court. Any and all fines, penalties, and forfeitures recovered under this act, or by any proceedings upon the bonds herein referred to, shall be paid into the school fund of the city of Lexington.

§ 6. No trustee of public schools of the city of Lexington shall receive any salary or compensation for his services as such.

§ 7. It shall be the duty of the city treasurer and city clerk of the city of Lexington to keep separate and distinct accounts of all funds now or hereafter dedicated to the uses of public schools, and to preserve the same sacred from all other uses or applications; and for failure so to do, they, or either of them, may be sued on their official bond by the board of trustees of public schools of the city of Lexington; and any recovery had in any such suit shall inure to the benefit of the school fund of said city.

§ 8. The board of trustees of public schools of the city of Lexington shall have exclusive control of all the school funds of said city, from whatever source the same may be derived, including the pro rata of said city from the State common school fund. They shall have the right to re-

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ceive all fines, forfeitures, and taxes that now inure to the benefit of common schools in said city. They shall have power to expend all moneys in the interest of public school education in said city. They may elect a president of their board, and a secretary; and the check of the president, or president *pro tem.*, attested by the secretary, or secretary *pro tem.*, shall be honored by the city treasurer to the amount of school funds in his hands. Said trustees shall report quarterly to the mayor and councilmen. Said trustees shall have exclusive control of the appointment of teachers, regulation of school discipline, course of study, examinations, and other matters of regulation and appointment in the public schools of said city. They may appoint examiners, and prescribe qualifications for teachers and pupils not inconsistent with the laws of this Commonwealth.

§ 9. The board of school trustees may purchase, build, or rent any grounds, building, or buildings necessary or convenient for public school purposes, and may make contracts to that end; and any property so leased, purchased, or otherwise acquired, may be reserved by terms of deed or lease to the public schools of the city of Lexington; and if so reserved, shall not be liable for any debt of said city, nor be diverted from public school purposes; and any and all public school property shall be exempt from taxation.

§ 10. The trustees aforesaid shall make an annual detailed report to the mayor and councilmen of the finances, number of instructors and pupils, cost of tuition, and condition of the public schools, which report shall be published by the mayor and councilmen for the public information.

§ 11. The board of trustees of public schools of the city of Lexington may sell, lease, or exchange any public school property now held: *Provided*, That the proceeds of such sale, lease, or exchange be invested in property reserved to the uses of public schools of said city.

§ 12. This act shall take effect from its passage.

[This bill became a law 23d March, 1871, the Governor having failed to sign or return as required by the Constitution.]

CHAPTER 1951.

AN ACT to authorize the Fayette County Court to appropriate Money.

WHEREAS, An election was held in the county of Fayette on the first Monday in August, 1870, for county judge, attorney, clerk, sheriff, jailer, assessor, and coroner, and suits were instituted in the District Court of the United States against the persons elected to said offices by the

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defeated candidates to recover said offices, under the provisions of the act of Congress approved May 31st, 1870, entitled "An act to enforce the right of citizens of the United States to vote in the several States of this Union, and for other purposes;" and said suits were instituted after all of said officers, except sheriff, had been duly qualified, and had entered upon the discharge of their duties; and whereas, said officers were compelled to employ attorneys to defend said suits at considerable expense, and one of said suits, viz: the suit of D. G. Falconer against J. R. Morton, county attorney of said county, is still pending in said court, the others having been dismissed by the plaintiffs; and whereas, the citizens and county court of said county are desirous of testing the constitutionality of said act of Congress—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the county court of said county, a majority of the justices of said county concurring therein, to employ an attorney to defend said suit for and in behalf of said county attorney, and to carry the cause to the Supreme Court of the United States if necessary, and to make to said attorney so employed such an allowance as, in their judgment, shall be reasonable; and further, that the said county court may make to said public officers, as to whom said suits have been dismissed, such an allowance as will defray the expenses of such contest, and enable said persons to pay their counsel a reasonable fee, to be paid out of any funds belonging to said county not otherwise appropriated.

§ 2. That it shall not be lawful for the county judge of the said county to vote upon the question of making any of the allowances herein provided for.

§ 3. That it shall be the duty of the presiding judge of Fayette county to call the justices of Fayette county together, at the April county court, 1871, for the purpose of considering and acting upon the appropriation mentioned in the first section of this act.

§ 4. This act shall take effect and be in force from and after its passage.

[This bill became a law March 23, 1871, the Governor having failed to sign or return as required by the Constitution.]

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CHAPTER 1952.

AN ACT to reduce into one the several acts in regard to the Town of Somerset.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the corporate limits of the town of Somerset shall be as follows, to-wit: Beginning at the southwest corner of the original plat of the town, which is understood to be a short distance east of the Baptist Church lot; thence south 69 west to the Baptist Church lot; thence north 21 west with the Baptist Church lot, and on the same course to J. Vickery's lot; thence westwardly with J. Vickery's lot west of the old town plat, as far as will include his lot, which lies west of the old town; thence north 21 west, so far as will intersect a right-angle line, which right-angle line shall run across the Stanford road at the fork of the Stanford and Crab Orchard road, a little north of the Rousseau House; thence from said intersection a parallel line with the cross streets of the original town plat, which is understood to be north 69 east, so far as to intersect a right line, parallel with Main street, and which parallel line shall cross the Goose Creek Salt-works road at the fork of the Coal Bank road, near the old brick yard; thence from the intersection, parallel with Main street as aforesaid, so far south 21 east as will intersect a right line running north 69 east from the corner of the town boundary near the widow Haley's, leaving her out; thence from the intersection south 69 west to the present town limits.

§ 2. The foregoing boundary shall, to all intents and purposes, be within the jurisdiction and under the operation of the laws applicable to said town, and in all respects regarded as a part of said town.

§ 3. That the fiscal, prudential, and municipal concerns of said town, with the government and control thereof, shall be vested in five trustees, three of whom shall form a quorum to transact business, and all of whom shall have resided in said town one year next preceding their election, and be freeholders therein.

§ 4. That said trustees and their successors shall be a body-politic and corporate, and shall be known by the name and style of the Board of Trustees of the town of Somerset; and by that name shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended, in all the courts and places; and may use a common or private seal, and do all other acts, matters, and things which any body-politic and corporate having perpetual succession can lawfully and rightfully do and perform.

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§ 5. Said trustees shall be elected annually on the first Monday in January, by the male inhabitants of said town over the age of twenty-one years, who shall have been bona fide residents in said town for one year next preceding the election, and who shall have paid their poll-tax for the preceding year, and all arrearages and taxes by them due said town; which payments, upon being questioned must be satisfactorily shown; and that all persons owning real estate in said town, and who may be resident in the country, otherwise qualified, shall be entitled to a vote at the regular annual trustee elections. The said trustees shall hold their office for one year, and until their successors shall have been elected and qualified. They shall take an oath before the clerk of the Pulaski county court, who shall enter a certificate of his administering said oath in a book to be kept by him for that and other purposes, for the benefit of said town, that they will faithfully, and without affection to any one, discharge the duties that may devolve upon them as trustees during their continuation in office, and shall have power to fill any vacancy that may occur in their own body. It shall be their duty to appoint one of their own body chairman, who shall preside at all their meetings, and sign the orders and records thereof when adopted; and in case of the absence of the chairman, they shall appoint a judge *pro tempore*; and in case of his death, removal from the town, or vacation of his seat as trustee, may appoint another in his stead. The election for trustees shall be conducted by one or more of the acting trustees, or three other citizens, to be appointed by the board for that purpose, and shall be held at such place as may be designated by the board; and the return of the names of the persons elected shall be made to the clerk of the board, and shall be by him recorded in their books. At least ten days' previous notice of the time and place of holding the election shall be given by written advertisements, posted on the door of the circuit clerk's office, court-house, and post-office, and such other public places in said town as the board of trustees may direct. If the election of trustees be conducted by other persons than two of the acting trustees, such persons, before entering upon the discharge of their duties, shall take an oath before the Pulaski county court clerk, some justice of the peace or police judge of said town, that they will faithfully discharge the duties incumbent upon them as officers of such election, without prejudice or partiality. They shall return the poll-books of such election, after certifying at the end thereof that it is a true poll of the votes cast, to the board of trustees, and by them lodged in the clerk's office of the Pulaski county court, there to be kept safely as the poll-books of other elections are kept.

1871. Each qualified voter shall have the right to vote for the full number of trustees. The officers holding the election for trustees shall open their polls at or before nine o'clock, A. M., and close the same at four o'clock, P. M., on the day of the election. Should any trustee be absent from the meetings of the board for three months, the board may, by the unanimous vote of all the remaining trustees, by a resolution to that effect entered on their records, declare his seat vacated, and may then fill the vacancy caused by his removal as in other cases. The chairman shall have power to call a special meeting of the board of trustees whenever he may deem the same proper and expedient for the transaction of business.

§ 6. That the trustees may, from time to time, fix and regulate, by their by-laws, the times and places of the regular meetings of the board, and also prescribe the mode in which special meetings may be had; and may inflict a penalty not exceeding one dollar on any member for non-attendance at any one meeting, to be applied for stationery, lights, and fuel for said board.

§ 7. That the said board of trustees, and their successors, shall have power and authority to take, receive, and hold real, personal, and mixed estate, by purchase, devise, bequest, or donation, for the use, benefit, or ornament of said town; and may use, appropriate, lease, or sell the real, personal, or mixed estate which may be so taken and received by them, or which is now held by them, or has been conveyed to the present or any other board of trustees of the town of Somerset, in such manner and upon such terms as they may deem expedient: *Provided, however,* That no sale or lease shall be made of any real estate unless the same is sanctioned at the same meeting by the vote of four trustees, and which vote shall appear recorded in full upon their records, giving the individual names of those who voted for and those who voted against it.

§ 8. That the legal title to all the streets and alleys in said town, and to all the real, personal, or mixed estate which now does or may hereafter belong to said town, shall be, and is hereby, vested in said board of trustees and their successors in office; and they shall have full power and authority to maintain and carry into judgment and execution any action or actions of trespass for any injury done to the same; and may, in like manner, maintain and carry into judgment and execution any other appropriate action or actions for the recovery of their property, or damages for the detention, taking, injury, or destruction of the same; and that the same process may issue, and execution be awarded, as are applicable by law to suits by private individuals: *Provided, however,* That in all cases thus instituted, in which the trustees do not sue for a spe-

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cific penalty, the jury shall not be limited in their verdict by the amount of any specific penalty annexed to the offense for which the suit was brought, but shall be governed by the same discretion which regulates their verdicts in suits between private individuals: *And provided also*, That in all such cases, when the damages are laid at a sum not exceeding fifty dollars, the police judge, or any justice of the peace, shall have concurrent jurisdiction, subject to an appeal as in other cases.

§ 9. That the board of trustees shall have power and authority to clear the streets, alleys, sidewalks, and pass-ways in said town of all obstructions; to erect and sink cisterns, wells, and pumps, and keep open all springs in said town, and declare them free by a verdict of a jury, to be empaneled before the police judge for that purpose. They shall also have the power and authority to preserve and protect, free from encumbrance, all the public grounds and improvements in said town. They shall have full power and authority to remove, and cause to be removed and abated, any nuisance or nuisances in said town; and to regulate the storage or removal of any combustible or unwholesome material that may injure the health or tend to diminish the comfort of the citizens, or the security of their property. They shall also have the power and authority to cause any chimneys, flues, stove-pipes, or fire-places, that, in their judgment, may threaten the security of property, to be changed and repaired, so as to remove the cause or danger of insecurity. They shall have power and authority to cause the owners and occupiers of property fronting on streets and alleys to keep the streets and alleys in front of them clear and free from dirt or filth; and in all cases enumerated in this section, when the persons who should do so fail or refuse to obey or perform the directions given in relation thereto by the board of trustees, the said trustees may have their orders executed at their own expense, and the costs and charges thus incurred shall be paid by those who should have complied with the directions of the board in relation thereto, and may be recovered by the board of trustees by a warrant for the same before the police judge or any justice of the peace, or by a suit in the Pulaski circuit court.

§ 10. That the said trustees may cause the said town, and the grounds belonging to the town, to be ornamented in such manner as they may deem expedient, with fencing, trees, and shrubs, and the necessary protection of said trees and said shrubs; and that if any person or persons shall willfully injure said trees and fencing and shrubs, or any one or part thereof, or the boxing or protection of the same, each person so offending shall, for every such of-

1871. fense, be subject to a fine of not less than five or more than fifty dollars, to be recovered by the said trustees, in their name and for their benefit, by a warrant before the police judge or any justice of the peace.

§ 11. That the board of trustees of the town of Somerset may, from time to time, direct and require the owners of lots or parts of lots in said town, when the same fronts on a street or alley, to cause the same to be paved with sidewalks in front of their respective lots or fractions of lots, of such width and of such materials, and in such manner and at such elevation, as the said board may deem expedient; and also to repair the same in such mode and manner as they direct. If the owner or owners of said lot or lots, or fraction of lot or lots, shall fail or refuse to have the same repaired, paved, graded, or finished with sidewalks, within the time and in the manner prescribed by said trustees, it shall be lawful for the said trustees to have the same done at their own costs and charges; and the costs and charges thus expended and incurred by said trustees shall be taken and be a tax upon said lots and fraction of lots and the owners thereof respectively, in proportion to the amount which the costs of the whole improvement, made under said order, bears to the length in front of said lots or fractions of lots, respectively.

§ 12. That the board of trustees of the town of Somerset shall have the power to appoint annually a clerk, assessor, treasurer, surveyor, town attorney, and such other officers for said town as may be necessary to carry into effect the laws, by-laws, rules and regulations, made for the general welfare of said town and the citizens thereof, and may prescribe the respective duties, and affix and pay the respective salaries, of said officers. They shall require bond of all officers appointed by them to fill responsible offices, in adequate penalties, with sufficient securities for the faithful discharge of the duties of their respective offices, and the prompt payment of all sums of money that may come to their hands; and they and their securities shall be liable to a judgment in the Pulaski circuit court in favor of the trustees of the town of Somerset, or any person entitled to money collected by them, in like manner, and subject to the same penalties, that sheriff or sheriffs and their securities are. They shall have full power and authority at any time to remove any of said officers or their deputies, and appoint others in their stead; and when any vacancy occurs by the death, removal, or resignation of the chairman of the board, or any of the officers or their deputies, they shall, in like manner, have full power and authority to appoint others in their stead.

§ 13. That all bonds executed by the persons appointed as officers by the trustees and marshal elected shall be

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made payable to the board of trustees of the town of Somerset, and that said bonds may contain any stipulations and covenants that the said trustees may think proper to require or receive; and that said bonds, when executed, shall operate as mortgage and lien upon all the real and personal estate of the officers and their securities, respectively, until all the conditions of said bonds are respectively complied with; and that for a breach or violation of the condition or conditions of any such bonds, the said trustees may sue and recover, and have the appropriate judgment and execution by action of covenant or debt in the Pulaski circuit court, or before the police judge of said town, when the amount in controversy is less than fifty dollars, against the parties to said bonds respectively; and may also proceed in chancery in said circuit court, when chancery proceedings may be necessary, against said officers and their securities; and that all such bonds shall be executed in the presence of the clerk of the Pulaski county court, and attested by him, and be recorded in a book to be furnished him by the board of trustees, and kept by him for that purpose; and the same shall be a part of the records of his office. The chairman of the board of trustees shall likewise attest said bonds; and he shall have a right, and it shall be his duty, to reject the bonds for want of sufficient security; and no officer shall enter upon the duties of his office until such bond shall have been executed and attested as herein required.

§ 14. That the trustees shall appoint annually, from among the citizens of said town, an assessor, who shall, before he enters upon the duties of his office, take an oath duly and impartially to discharge the duties thereof. It shall be the duty of the assessor to call upon all the taxable persons in said town and make out true lists of their taxable property, with the value thereof, which lists shall be made upon the oath of the party, to be administered by the assessor. The assessor's list shall be taken so as to include all the real and personal estate in said town, exclusive of household furniture, and all the males over twenty-one years of age, and all other property that can be taxed by the State. If any person or persons shall refuse to give in a list of his or her property, or be absent, the assessor shall make out a list from the best information he can procure; and when there is any real estate in said town, the owner or owners whereof may be unknown, it shall be the duty of the assessor to report that fact specially on his list, together with the value of the property. He shall, on or before the first day of March, annually, complete and return the list so taken to the board of trustees; upon the return of the list of the assessor,

1871. the trustees shall give notice that any person or persons, who may feel themselves aggrieved by the valuation of the assessor, may appear before them, at a stated meeting to be held for such purpose, on or before the first day of April, annually, with their evidence to show the true valuation of such property; and the trustees, on such proof being made to them, may change such valuation.

§ 15. That the said board of trustees may annually lay and levy the taxes for the current year, and direct the time within which the same shall be paid at the first meeting of the board after the assessor returns his list; or if anything should prevent the levy and tax from being then made and levied, the same may be done at any meeting of the board thereafter.

§ 16. That after the first day of May, annually, the clerk of the board of trustees shall record in a book, to be kept by him for that purpose, the assessor's list, with any corrections that may have been made therein by the board of trustees; and the said lists thus recorded, or attested copies thereof by said clerk, shall be received in evidence in any court of justice, and shall be *prima facie* evidence that the assessor complied with all the duties prescribed to him by law; and shall also be *prima facie* evidence that all the laws in relation to the fixing and adjustment of the taxes have been regularly complied with by the board of trustees and its officers.

§ 17. That the treasurer appointed by the board of trustees shall take an oath faithfully and honestly to discharge the duties of his office, and shall execute bond, with good security, and in such penalty as the trustees may require, which penalty shall not, at any time, be less than two thousand dollars, which bond shall be conditioned to pay over all moneys which may come to his hands as treasurer, and may contain such other stipulations as the said board may think proper to require. The treasurer shall receive and give a receipt for all moneys paid or received. He shall receive and receipt for all moneys paid to the board of trustees. He shall keep a fair record of all the fiscal concerns of the board, and record in order the appropriations of said board, as certified to him by the clerk, and pay the same according to their order. He shall pay no money without receiving a copy of a resolution of the board of trustees, signed by the clerk, making such appropriation; and he shall file all received by him for settlement by resolution of the board. His books shall, at all times, be open to the inspection of persons having claims upon the board, upon reasonable notice. The treasurer shall be, and is hereby, authorized to receive and receipt for all taxes that may be paid to him by those persons who may owe the same. He shall, on or before the 10th day of

July, annually, report to the clerk of the board of trustees a true list of all the taxes and moneys received by him. He shall be allowed such compensation for his services as the board of trustees may direct, not exceeding two and one half per cent. on all moneys received and paid out by him under the order of the board. He shall also, whenever required by an order of the board to that effect, attend and report to the board the condition of the treasury, and shall at all times be ready for a settlement.

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§ 18. That the clerk appointed by the said trustees shall take an oath faithfully and impartially to discharge the duties of his office, and shall execute bond, with good security, with such conditions as shall be required by the board. It shall be his duty to preserve the books, papers, records, and everything belonging to his office, and deliver the same to his successor in office. He shall keep a regular journal of the proceedings of the board, with a regular account of the fiscal concerns thereof. He shall record all the acts, resolutions, and orders of the board. He shall take all bonds, agreements, and records, and preserve all contracts and agreements made between the board of trustees and other persons not herein otherwise directed. He shall copy and sign all resolutions, orders, claims, and allowances, when required to do so by persons having claims against the board. He shall file and preserve, annually, the assessor's book. He shall make out a fair list of the persons and property liable to taxes, with the amount due by such persons or property, in alphabetical order, and place the same in the hands of the marshal on or before the first day of June, annually, for collection, and take his receipt therefor; and he shall file and preserve all reports of, and settlements made, with the treasurer.

§ 19. That the marshal of the town of Somerset shall be elected by the voters of said town qualified to vote for trustees of said town, at the same time and in the same manner that sheriffs are elected, and to hold his office for the term of two years from the date of his election, and until his successor is qualified, who shall take an oath faithfully to discharge his duties, and shall give bond with approved security in a sum not less than fifteen hundred dollars, conditioned faithfully to discharge the duties of his office; and which bond may also contain any other conditions that the board may think proper to require. It shall be the duty of the marshal to serve all processes, precepts, and notices, and also to execute and levy all executions, to him directed, from the police judge, and make due return thereof; to collect all taxes of said town, executions, and other demands which may be put into his hands to collect and account for, and pay over the same to the treasurer of said town, or whoever may be legally entitled thereto

1871. (whenever required so to do by the board of trustees), under the same rules and regulations required of sheriffs in the collection of taxes, and of constables in the service of like processes, and in the collection of executions and other demands ; and for a failure to discharge any of the duties required of him, he and his securities shall be subject to the same proceedings which may be had against sheriffs and constables and their securities in similar cases, and to the payment of the same damages for the non-performance of his duties, to which sheriffs and constables and their securities are liable in like cases. He shall serve and execute all orders and notices issued or made by the board, and make due return of the same. He may have a deputy or deputies by and with the advice and consent of the board, who shall have the same powers and privileges as the marshal, and shall, together with his securities, be as fully responsible for the neglect, misconduct, malfeasance, or other default of his deputy or deputies, as though he himself had been guilty of said neglect, misconduct, malfeasance, or other default in his proper person. He shall be entitled to the same fees and per cent. for collecting the town tax, penalties, and forfeitures, as sheriffs and constables are in like cases, where it is not otherwise provided for by this act or the order of the board. He shall be entitled to a fee of one dollar for serving a peace warrant, or warrant for a riot, rout, affray, or breach of the peace, and for all warrants for the violation of any by-laws or ordinances of the board of trustees. He shall be entitled to a fee of twenty-five cents for summoning a witness, and the same fees from State, to be paid out of the treasury and county levy, for serving felony warrants, as constables are for like services. The marshal and his deputy or deputies are authorized to take replevin bonds on all executions in which replevin bond is allowed by law, and make the same payable in three months to the plaintiff in the execution: *Provided, however,* That the said marshal shall be vested with all the power and authority which is given to constables as peace officers, and in all cases cognizable before said police judge. He shall have the same power and authority, in all civil actions, as constables, and be entitled to the same fees as are allowed constables for like services, unless otherwise provided in this act. He may execute any summons issued from the Pulaski circuit court when directed to him, which may be done at the option of the plaintiff therein, for which he shall be allowed the same fees as are allowed by law to sheriffs for like services. He shall have the same power and authority to distrain for any taxes that are or may be due by any person or persons that sheriffs have to distrain for revenue taxes due the State of

1871.

Kentucky, subject to the same damages and penalties for improperly distraining, to be recovered by warrant before the police judge of the town of Somerset by the party injured. That if any vacancy shall occur in the office of marshal in the town of Somerset, Kentucky, by death, resignation, removal, or any other cause, the board of trustees shall fill such vacancy by appointment. The person appointed shall hold the office until the next regular August election thereafter.

§ 20. That if, on the first day of March in each year, there may be due and unpaid any tax or taxes for the previous year upon any lot or fraction of a lot in said town, which tax or taxes may be imposed by virtue of this act, it shall be the duty of the board of trustees of the town of Somerset to advertise, for the time being, by posting written advertisements on the court-house door, circuit clerk's office, and post-office doors in the town of Somerset, Kentucky, a list of all the lots and fraction of lots on which the tax or taxes may be unpaid, and also the amount due and unpaid upon each lot and fraction of lot respectively, for two months; and they shall also state, in a note appended to said list, the day or days on which said lots or fractions of lots, or so much of each lot or fraction of a lot, will be sold, as may be necessary to discharge and pay off the tax or taxes due thereon respectively; and a copy of said list so posted, accompanied by the affidavit of the marshal, whose duty it shall be to post said written advertisement, by order of the board of trustees, shall be recorded in the clerk's office of the Pulaski county court; and when so recorded, shall be *prima facie* evidence that said advertisements were made as prescribed by this act, and an attested copy of the same may be used on the trial of any cause, and shall have the same force and effect of other attested copies as now authorized by law. If the tax or taxes thus due and advertised upon the lots or fractions of lots are not paid on or before the time thus appointed for the sale, it shall be the duty of the marshal to expose to sale, on the day or days appointed, the said lots or fractions of lots, or so much thereof as may be necessary to pay the tax or taxes due on them respectively, to the highest bidder. The sale shall take place at the court-house door in the town of Somerset; and in case of a sale, it shall be the duty of the marshal to convey the same to the highest bidder, and his deed thus made shall pass the title of the lot or fraction of lot as purchased to the purchaser: *Provided, however,* That the same may be redeemed at any time within two years, by the original owner or owners and their assignees, by paying the purchaser, or his heirs or assignees, his purchase money, with interest at the rate of fifty per cent.

1871. annually, on the sum paid by him, and all costs and charges incurred by virtue of such sale: *And provided also*, That infants and *femes covert*, and persons of unsound mind, shall have two years after their several disabilities are removed to redeem their grounds. That if any person or persons shall tear down or cause to be torn down, or deface and cause to be defaced, any advertisement or advertisements posted in pursuance of this section, shall be fined not less than five or more than twenty-five dollars, to be recovered by warrant before the police judge.

§ 21. That the board of trustees of the town of Somerset shall have power and authority to assess annually, levy and collect, a tax on all real and personal estate within the limits of said town, excepting lands used and cultivated as farming lands, not to exceed fifty cents on each one hundred dollars' worth of property; they shall have power to levy and collect a poll-tax, not exceeding two dollars, on all free male persons in said town over the age of twenty-one years; they may tax all theatrical performances, shows, and exhibitions of all kinds, in any sum not exceeding forty dollars for such exhibition on any one day; they shall have the power and authority to tax all auctioneers in a sum not exceeding five per cent. for all goods, wares, and merchandise, and articles sold to bidders within said town, except property sold by citizens of the town, or of Pulaski county, belonging to them, and for their own benefit, or by order of court, or by executors, administrators, or guardians, and shall have a lien on the articles sold, or to be sold, for such tax, until the same is paid, or the person selling the same takes out license for that purpose; they shall have power to license auctioneers, drays, wagons, carts, hacks, and coaches plying in said town for hire; they shall have a lien on all real and personal estate in said town until all the taxes due by the owners thereof are paid, and all such property shall be liable to be sold, or so much thereof as will pay said tax and costs of sale; they shall have power, with the concurrence of four of their number, to prohibit the erection of buildings of wood, or to regulate the size and height of such buildings in any part of said town, whereby great danger may ensue to valuable and permanent improvements, and enforce the observance of the same by fines and penalties, and by injunction in the Pulaski circuit court; they shall have power to suppress all tippling-houses, houses of ill-fame, disorderly houses, and all retailing of spirituous liquors without license; and to fine all those who may violate these by laws in relation thereto, in any sum not exceeding one hundred dollars for each offense, which may be recovered before the police judge of said town; they

1871.

shall have the right to tax and right to license all taverns within the limits of said town, granting to, withholding from the same, as may be deemed proper and expedient by said trustees, the privilege of selling by retail wines, brandies, whisky, rum, and other spirituous liquors and intoxicating drinks, and fix the tax therefor in a sum not exceeding five hundred dollars on each per annum, and to discontinue the said license, or any one thereof, at pleasure, and without instituting legal proceedings: *Provided*, That the said trustees, upon their discontinuing any license, shall, of the money received therefor, refund to the licensee a part thereof, bearing the same proportion to the whole sum received that the time unexpired does to the whole time for which said license was granted; they shall have the right to tax, and exclusive right to license, all persons, merchants, druggists, and coffee-house keepers within the limits of said town, granting to, withholding from the same, as may be deemed expedient by said trustees, the privilege of selling by retail or otherwise, in quantities less than one barrel, wines, brandies, whisky, rum, and other spirituous liquors and intoxicating drinks, and fix the tax therefor, in a sum not exceeding five hundred dollars per annum, and to discontinue the said licenses, or any one thereof, at pleasure, and without instituting legal proceedings: *Provided*, That the said trustees, upon their discontinuing any license, shall, of the money received therefor, refund to the licensee in the proportion as directed in this section to tavern-keepers; but before any of the above licenses shall be granted by the board of trustees, the applicant or applicants for the same must make it appear satisfactorily to the board that said applicant or applicants have paid the tax, executed the bond, and taken the oath required by the statutes of Kentucky regarding a license or privilege to retail spirituous liquors; they shall have power and authority to open or extend any street or streets, alley or alleys, within the limits of said town, according to the original and present plan or plat of said town; and may extend said street or streets, alley or alleys, through the lot or lots, or fraction of lot or lots, of any person or persons, by paying to the owner or owners of said lot or lots, or fractions of lot or lots, the value of such portion of the lot or lots as may be used or occupied by said street or streets, alley or alleys, so extended; the value of the portion of the lot or lots so used, and the damages accruing to the owner or owners of such lot or lots by reason of such extension, to be assessed by a jury of twelve lawful jurors, empaneled and sworn by the police judge for that purpose, which sum so assessed shall be paid by order of the board of trustees. Said extension shall be made by order of the board of trustees, with the concur-

1871. rence of four of their body, which concurrence shall be evidenced by an order or resolution entered in their record book.

§ 22. That the police judge of the town of Somerset shall have jurisdiction within the limits of said town of all misdemeanors, and of all causes, civil, criminal, or penal, in which justices of the peace have jurisdiction; and in criminal and penal cases he shall have the jurisdiction now given by law to two justices of the peace, and shall proceed in the same manner that justices of the peace are required to proceed in similar cases. He shall have power and authority to require bail, and receive the acknowledgment and execution of recognizances of bail, in all cases originating before him in which bail is, or may hereafter be, authorized or required by the law of the land; and such recognizances shall be taken in such form, and be returned in such manner, as is or may be prescribed by the several laws authorizing or requiring bail. He shall be a conservator of the peace, and have jurisdiction over affrays, assaults and batteries, riots, routs, breaches of the peace, unlawful assemblies, all cases of indecent or immoral behavior or conduct calculated to disturb the peace and dignity of said town; over all cases of drunkenness, profane swearing, Sabbath breaking, running horses, firing guns or pistols, making reports by burning powder or matches or crackers, blowing horns, flying kites, crying aloud by day or night, or other riotous or disorderly conduct whatever within said town, all of which are hereby declared to be misdemeanors. He shall have the same jurisdiction, power, and authority in civil cases that any justice of the peace of Pulaski county has. He shall have jurisdiction of all offenses or causes arising out of the by-laws and ordinances passed by the board of trustees for the enforcement of the powers granted them by law. He shall have power to order the marshal to summons a jury in any case cognizable before him when the jury would be required before a circuit court or a justice of the peace. He shall have power to issue summons for witnesses in cases pending before him; and upon their failure to attend, may award compulsory process to compel their attendance. He shall have power, without the intervention of a jury, to fine and imprison for contempts: *Provided*, The fine does not exceed ten dollars, nor the imprisonment twelve hours. He shall have power to administer any oath that a judge of a court, clerk of a court, justice of the peace, examiner, or notary public may. He shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as records of justices of the peace;

all trials before the police judge shall be held and had in the town of Somerset. 1871.

§ 23. That upon all judgments rendered by the said police judge, either party shall have the right to appeal from said judgments in the same manner that appeals are taken from judgments of justices of the peace in similar cases.

§ 24. That the police judge shall issue his process in the name of the Commonwealth, as other warrants, except in cases otherwise provided for in this act, and make them returnable before him as police judge of Somerset. The same shall be directed to the marshal of said town, or to any constable or other officer authorized by law to execute Commonwealth's process in Pulaski county; and shall be executed and returned by the marshal, constable, or other officer, as the case may be, under the same penalties as other process from justices of the peace: *Provided, however,* That when any prosecution is instituted and carried on at the instance of the board of trustees, the warrant shall state that it issued at their instance; in which case they shall be entitled to the fine or penalty recovered; and in case the defendant or defendants are acquitted, the said trustees shall be liable for such costs as may be adjudged in favor of the defendant or defendants; but in cases where judgments are rendered against the defendant or defendants, the board of trustees will not be liable for costs unless the judgments are collected off the defendant or defendants. The police judge shall be entitled to a fee of one dollar for a peace warrant, or for a warrant of riot, rout, or any misdemeanor or breach of the peace, or unlawful assembly or affray, or for breach of any of the laws in relation to the town of Somerset, or any of the by-laws or ordinances of the board of trustees. He shall be entitled to a fee of twenty-five cents for each original judgment; twenty-five cents for recording same; twenty-five cents for each subpoena; twenty-five cents for a certificate; for issuing each execution or *capias pro fine*, twenty-five cents. He shall be entitled to the same fees in all other cases as are allowed justices of the peace by law for like services.

§ 25. That in all suits and prosecutions instituted by the board of trustees, they may, at their election, either adopt the ordinary mode of declaring and pleading, or may file a petition, stating in plain and simple language the cause of their complaint, and the character of the judgment which they require; upon which petition a summons shall issue, requiring the defendant or defendants to answer the same; and upon which summons bail may be required when the petition states a case in which bail is demandable by law; and upon the execution of the summons, the

1871. defendants shall, on the day when the same stands for trial, file a general traverse to the same; and in default thereof, a writ of inquiry shall be had, and damages assessed as in ordinary cases; when a writ of inquiry is necessary by the rules of law, a judgment shall be taken by default. No objection shall be taken to the form of the petition if it apprise the defendant or defendants with reasonable certainty of the charge which he is called to answer; and under the issue as thus directed to be joined, either party may introduce any testimony that would be proper under any case of special pleading in bar, or replication thereto; and the defendant may also, under the issue, avail himself of any equitable defense which he may have to said petition. In such proceedings by petition, such judgments shall be rendered, and such executions be awarded, as the justice of the case may require.

§ 26. That said trustees shall exercise and possess all the power and privileges which, by the general laws of the land in relation to towns, are granted to trustees; and shall have full power and authority to make all necessary by-laws and regulations for the purpose of carrying into effect the powers granted by this act; and also such as may be necessary for the comfort, cleanliness, good order, and security of said town, and the citizens thereof, and may enforce the same by adequate penalties, to be recovered in their name before the police judge or any justice of the peace: *Provided*, The same are not contrary to the Constitution or laws of the land; and upon issuing of a warrant by the police judge or justice of the peace, as the case may be, against any person or persons charged by the said trustees, or their legally authorized officer, with a violation of the by-laws of said town, it shall be the duty of the police judge or justice of the peace, as the case may be, if so requested by the said trustees or officer making the charge, to indorse on said warrant that the officer serving the same shall demand of the person or persons so charged to enter into bond with good security, in a sum not exceeding twice the amount of the penalty attached to the offense charged in the warrant, to be fixed by the court issuing the same, conditioned for his, her, or their appearance before the judge or justice, as the case may be, to whom said warrant may be made returnable, at the time and place fixed upon in said return, or for his, her, or their abiding by, performing, and complying with the order or judgment of the court thereon; and upon failure so to do, said bond shall be declared forfeited, and the amount thereof to be collected by execution or *capias pro fine*, to be issued by the court thereon; and if the person or persons so charged in any warrant as aforesaid requiring bail, shall fail or refuse to execute bond as

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aforesaid, it shall be the duty of the officer serving the same to retain such person or persons in custody until discharged by the court aforesaid; and upon the rendition of any judgment for a violation of the by-laws of said town, the court rendering the same shall issue instantler, if required by the trustees or their legally authorized officer, an execution against the estate of the person or persons so found guilty, for the amount of the fine adjudged, and costs, or a *capias pro fine* for the same against the body or bodies of the said person or persons; and the officer serving the same shall cause like proceedings to be had thereon as if the same had been issued by authority of the circuit court; and it shall be the duty of the police judge or justice of the peace, as the case may be, before whom any warrant may be returned as aforesaid, at the request of the party accused, to cause a jury to be empaneled to try the same: *Provided*, The offense charged be such that, if it was tried in the circuit court, a jury would be empaneled for the trial thereof; at which said trial the judge or justice shall preside, and render judgment in accordance with the verdict of the jury.

§ 27. That the board of trustees shall have the power to require all persons within the corporate limits of said town, engaged in selling spirituous, vinous, or malt liquors, by license or otherwise, to close their doors and not to sell, loan, barter, give away, or permit to be drank, any spirituous, vinous, or malt liquors, or the mixture of either, on an election day, or any other public day, when, in the judgment of the board of trustees, the peace, quiet, and good order of the town may require it, and also on the Sabbath day; and the board of trustees are hereby fully empowered and authorized to make such rules and regulations, by by-laws, as will be necessary, in their judgment, to enforce their orders; they may authorize the marshal of the town, or any peace officer, to enter any house or place, where there are reasonable grounds to suspect that there is liquor being drank, sold, or otherwise disposed of, on the days above mentioned in this section, or on any other day, without a license, and take possession of the same, and make such other rules and by-laws as will enforce order; may impose a fine and imprisonment, by warrant, in the name of the trustees, before the police judge, and imprisonment, to be collected by *capias pro fine* or execution; the fine not to exceed fifty dollars, and imprisonment not exceeding ten days.

§ 28. That the marshal of said town be, and is hereby, authorized to execute all attachments, executions, and other process, which shall be issued by the judge of the quarterly court of Pulaski county.

1871. § 29. That when a conviction is had for a violation of any law or ordinance of said town, and the party or parties fail to pay the fine imposed, the police judge or justice of the peace, before whom the trial is had, may issue his mittimus, directed to jailer of Pulaski county, commanding him to receive and safely keep the prisoner the time prescribed in said mittimus, and the said town shall pay the jailer his fee or fees therefor. That the police judge is hereby vested with the power, in all cases of disorderly conduct and drunkenness, when the party or parties thus guilty are disturbing the peace of the town, or endangering the citizens or property thereof, when a trial cannot be had immediately, to have the party or parties arrested, and by his mittimus have the offender or offenders committed to jail to await their trial by any peace officer before issuing a warrant.

§ 30. That the police judge of said town shall have authority to try and decide, without the intervention of a jury, all cases of alleged drunkenness or disorderly conduct committed within the limits of said town; and that upon the finding of any person or persons guilty of either of the offenses mentioned in this section, he or they shall be fined in any sum not less than three nor more than fifteen dollars, upon which judgment a *capias pro fine* may issue immediately.

§ 31. That the present board of trustees and officers of the town, and those now to be appointed, shall continue in office until the trustees are elected and qualified under the present act, and are hereby invested with all the powers, rights and privileges, which the trustees and officers to be elected under this act will possess. No suit shall be instituted against said trustees unless the same is instituted in the county of Pulaski; and service of process on the chairman of the board shall be sufficient.

§ 32. That the board of trustees shall have authority to appoint a special tax collector for said town, whenever, in their judgment, they should deem such office necessary and proper, who, before entering upon the discharge of his duties, will be required to execute bond, with good security, in a penalty not exceeding five thousand dollars, in the same manner and upon the same conditions that the marshal is required by this act to execute bond.

§ 33. That all taxes arising from the granting of license to retail spirituous liquors within said town shall be paid directly to the treasurer or chairman of the board, at such times and in such manner as the board may require and direct.

§ 34. That the police judge of the town of Somerset shall be elected by the voters of said town, qualified to vote for trustees of said town, on the first Monday in

August, 1874, and every four years thereafter, and shall hold his office for and during the four years next after his election, and until his successor in office shall qualify. The present police judge of said town is hereby vested with all the powers, rights and privileges, which the police judge to be elected under this act will have, until the first Monday in August, 1874.

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§ 35. That if any vacancy shall occur in the office of police judge of the town of Somerset by death, resignation, removal, or any other cause, the board of trustees shall fill said vacancy by appointment; and the person selected by said board shall hold his office until the next regular election in August thereafter. The certificate of the chairman of the board of trustees shall be sufficient evidence of the appointment for the Governor to issue a commission to the appointee as police judge of the town of Somerset.

§ 36. That the trustees of said town be, and they are hereby, authorized and empowered to erect a work-house in said town, in which persons may be confined at labor, by order of the police judge thereof, for failure to pay the fines owing said town; but persons so confined at labor shall be allowed at the rates of two dollars per day upon the payment thereof; and persons arrested as vagrants in said town, and committed as such by the police judge thereof, may be confined therein to labor for such period as the police judge may determine, not exceeding thirty days.

§ 37. That whatever per centage may be allowed the town attorney of the town of Somerset on the fines imposed by the police judge of said town, as may be allowed him by the board of trustees, as compensation for his services, shall be his fees for such services within the meaning of the tenth section of the third article of the new Constitution of Kentucky, and not subject to be remitted; and the trustees may allow their said attorney such salary as in their judgment they may deem proper, in addition to the above per centage on fines, for his services.

§ 38. That the marshal shall have the power and authority to summons any person or persons to assist him in the execution of any writ that may come to his hands, or in the arrest of any person or persons for the violation of any of the by-laws or ordinances of the town of Somerset, or for a breach of the peace, affray, riot, rout, or to disperse any unlawful assembly; and any person or persons failing to render the necessary assistance, and obey the summons of the marshal, shall be reported to the police judge of said town, who shall thereupon enter judgment against each person so disobeying the summons for the sum of not less than five nor more than ten dollars; upon

1871. which judgment he may issue *instantly a capias pro fine*, which shall be collected and proceeded under as *capias pro fines* usually are by law.

§ 39. That the board of trustees of the town of Somerset shall have power and authority to assess, annually, levy and collect, a tax on all real and personal estate within the limits of said town, subject to taxation under the revenue laws of the State (except such lands as may be used and cultivated as farming lands); and any person or persons failing and refusing to give in a list of his, her, or their property to the assessor, shall be subject to the same penalties and damages to the trustees of said town to which such persons failing to give in lists of their property are subject under the revenue laws of the State, to be recovered by action in the name of said trustees, instituted either in the Pulaski circuit court or before the police judge of said town.

§ 40. The time for the trial of civil cases before the police judge shall be the first Saturday in every month. He shall have a right to continue his court till all the business before him is completed or disposed of.

§ 41. Each and every act or section of act coming within the purview of this act is hereby repealed.

§ 42. This act shall be in force from its passage.

[This bill became a law 23d March, 1871, the Governor having failed to sign or return as required by the Constitution.]

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§ 29. That when a conviction is had for a violation of any law or ordinance of said town, and the party or parties fail to pay the fine imposed, the police judge or justice of the peace, before whom the trial is had, may issue his mittimus, directed to jailer of Pulaski county, commanding him to receive and safely keep the prisoner the time prescribed in said mittimus, and the said town shall pay the jailer his fee or fees therefor. That the police judge is hereby vested with the power, in all cases of disorderly conduct and drunkenness, when the party or parties thus guilty are disturbing the peace of the town, or endangering the citizens or property thereof, when a trial cannot be had immediately, to have the party or parties arrested, and by his mittimus have the offender or offenders committed to jail to await their trial by any peace officer before issuing a warrant.

§ 30. That the police judge of said town shall have authority to try and decide, without the intervention of a jury, all cases of alleged drunkenness or disorderly conduct committed within the limits of said town; and that upon the finding of any person or persons guilty of either of the offenses mentioned in this section, he or they shall be fined in any sum not less than three nor more than fifteen dollars, upon which judgment a *capias pro fine* may issue immediately.

§ 31. That the present board of trustees and officers of the town, and those now to be appointed, shall continue in office until the trustees are elected and qualified under the present act, and are hereby invested with all the powers, rights and privileges, which the trustees and officers to be elected under this act will possess. No suit shall be instituted against said trustees unless the same is instituted in the county of Pulaski; and service of process on the chairman of the board shall be sufficient.

§ 32. That the board of trustees shall have authority to appoint a special tax collector for said town, whenever, in their judgment, they should deem such office necessary and proper, who, before entering upon the discharge of his duties, will be required to execute bond, with good security, in a penalty not exceeding five thousand dollars, in the same manner and upon the same conditions that the marshal is required by this act to execute bond.

§ 33. That all taxes arising from the granting of license to retail spirituous liquors within said town shall be paid directly to the treasurer or chairman of the board, at such times and in such manner as the board may require and direct.

§ 34. That the police judge of the town of Somerset shall be elected by the voters of said town, qualified to vote for trustees of said town, on the first Monday in

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August, 1874, and every four years thereafter, and shall hold his office for and during the four years next after his election, and until his successor in office shall qualify. The present police judge of said town is hereby vested with all the powers, rights and privileges, which the police judge to be elected under this act will have, until the first Monday in August, 1874.

§ 35. That if any vacancy shall occur in the office of police judge of the town of Somerset by death, resignation, removal, or any other cause, the board of trustees shall fill said vacancy by appointment; and the person selected by said board shall hold his office until the next regular election in August thereafter. The certificate of the chairman of the board of trustees shall be sufficient evidence of the appointment for the Governor to issue a commission to the appointee as police judge of the town of Somerset.

§ 36. That the trustees of said town be, and they are hereby, authorized and empowered to erect a work-house in said town, in which persons may be confined at labor, by order of the police judge thereof, for failure to pay the fines owing said town; but persons so confined at labor shall be allowed at the rates of two dollars per day upon the payment thereof; and persons arrested as vagrants in said town, and committed as such by the police judge thereof, may be confined therein to labor for such period as the police judge may determine, not exceeding thirty days.

§ 37. That whatever per centage may be allowed the town attorney of the town of Somerset on the fines imposed by the police judge of said town, as may be allowed him by the board of trustees, as compensation for his services, shall be his fees for such services within the meaning of the tenth section of the third article of the new Constitution of Kentucky, and not subject to be remitted; and the trustees may allow their said attorney such salary as in their judgment they may deem proper, in addition to the above per centage on fines, for his services.

§ 38. That the marshal shall have the power and authority to summons any person or persons to assist him in the execution of any writ that may come to his hands, or in the arrest of any person or persons for the violation of any of the by-laws or ordinances of the town of Somerset, or for a breach of the peace, affray, riot, rout, or to disperse any unlawful assembly; and any person or persons failing to render the necessary assistance, and obey the summons of the marshal, shall be reported to the police judge of said town, who shall thereupon enter judgment against each person so disobeying the summons for the sum of not less than five nor more than ten dollars; upon

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